

## **EXHIBIT D**



Deposition of:  
**David Strauss**

*August 13, 2020*

In the Matter of:  
**IVCF v. Wayne State University**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

- - - - - x  
INTERVARSITY CHRISTIAN :  
FELLOWSHIP/USA, et al., :  
Plaintiffs, :  
vs. : Civil Action No.  
BOARD OF GOVERNORS OF WAYNE : 2:19-cv-10375  
STATE UNIVERSITY, et al., :  
Defendants. :

- - - - - x  
VIRTUAL 30(b)(6) and PERSONAL DEPOSITION OF:  
WAYNE STATE UNIVERSITY and DAVID J. STRAUSS  
GIVEN BY DAVID J. STRAUSS

DATE: Thursday, August 13, 2020

TIME: 9:04 a.m.

LOCATION: Remote Proceedings

REPORTED BY: Denise M. Brunet, RPR

Reporter/Notary

Veritext Legal Solutions

1250 Eye Street, N.W., Suite 350

Washington, D.C. 20005

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1 APPEARANCES (continued):	1 PROCEEDINGS
2	2 WHEREUPON,
3 ALSO PRESENT: Thomas Cavalier	3 DAVID J. STRAUSS,
4 Hilary Boerger	4 called as a witness, and having been remotely
5	5 sworn by the notary public, was examined and
6	6 testified as follows:
7	7 EXAMINATION BY COUNSEL FOR PLAINTIFFS
8	8 BY MS. WINDHAM:
9	9 Q Good morning, Mr. Strauss.
10	10 A Good morning.
11	11 Q I'm Lori Windham and I am attorney for
12	12 plaintiffs in InterVarsity v. Wayne State. Do you
13	13 prefer I call you Mr. Strauss, Dr. Strauss, Dean
14	14 Strauss?
15	15 A David. It doesn't matter. The only --
16	16 that's fine. My wife always laughs when people
17	17 call the phone and ask for Dr. Strauss. Whatever
18	18 you're comfortable with.
19	19 Q Thank you. I will try and remember
20	20 Dr. Strauss. I might slip into Mr. Strauss.
21	21 MS. WINDHAM: I will -- I'll actually ask
22 (All parties appearing remotely.)	22 to start -- we had this in the notice, asking

<p style="text-align: right;">Page 6</p> <p>1 counsel for all parties to stipulate on the record  2 their consent to this manner of deposition, their  3 waiver of any objection to this manner of  4 deposition, including any objection to the  5 admissibility at trial of this testimony based on  6 this manner of deposition. And I will so  7 stipulate for plaintiffs.  8 MR. PAUWELS: Andrew Pauwels on behalf of  9 defendants and Dr. Strauss. So stipulated as  10 well.  11 MS. WINDHAM: Thank you.  12 BY MS. WINDHAM:  13 Q So just to get started, Dr. Strauss, some  14 ground rules. Please provide verbal answers, yes  15 or no, not shaking head, huh-uh, uh-huh. If you  16 run into trouble with technology, which as we all  17 know, has been common in recent days, if you have  18 trouble with a poor correction or if you have  19 trouble with seeing exhibits, hearing me, please  20 let us know.  21 If you need to take a break, please let  22 me know. I know we have a break coming up about</p>	<p style="text-align: right;">Page 8</p> <p>1 A Yes.  2 Q And is there anything that would prevent  3 you from thinking clearly or testifying truthfully  4 today?  5 A No.  6 Q I'm going to assume that you understand  7 my question unless you tell me otherwise and ask  8 me a question about it. Is that fair?  9 A Yes.  10 Q Have you ever been deposed before?  11 A Yes.  12 Q How many times?  13 A Once.  14 Q And was that relevant to your work at  15 Wayne State?  16 A Yes.  17 Q And was it a litigation that you were  18 involved in as a party or witness with Wayne  19 State?  20 A I don't remember the details of the case.  21 Q About how long ago was it?  22 A I don't remember.</p>
<p style="text-align: right;">Page 7</p> <p>1 10:00.  2 Please do not communicate with anyone  3 about this deposition other than counsel, court  4 reporter or me during the deposition. If you need  5 to take a call or otherwise respond, please let me  6 know.  7 And do not review any documents during  8 this deposition other than the exhibits that I am  9 going to share with you via Exhibit Share. If you  10 need to review another document or writing for  11 some reason, please let me know.  12 A I'm going to just turn off my -- put my  13 phone on silent.  14 Q Thank you.  15 A Okay.  16 Q I'll check mine as well.  17 All right. Can you please state your  18 name for the record.  19 A My name is David Strauss.  20 Q And do you understand that you're under  21 the same oath today as you would be if you were  22 testifying in a courtroom?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q So in addition to your personal  2 deposition today, we also have you designated as a  3 witness on behalf of Wayne State. So I'm just  4 going to show you -- it's actually not the notice.  5 It's your attorney's responses. And I'm putting  6 that into the Exhibit Share folder right now as  7 Exhibit 1. Are you able to see that?  8 (Deposition Exhibit Number 1 was marked  9 for identification.)  10 MR. PAUWELS: You may need to refresh.  11 THE WITNESS: Here it is. Is it -- is it  12 called responses and objections to notice?  13 BY MS. WINDHAM:  14 Q Yes, that's it.  15 A Yes, it's a PDF.  16 Q Yes.  17 A Yes, I do see that. Should I open it?  18 Q Yes, please.  19 A Okay. Got it. I'm just -- if you see me  20 looking this direction, I have two screens so  21 you're on this screen and the materials are on my  22 other screen.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q Got it. So I'm looking at page 3 of that 2 PDF. 3 A Yes. 4 Q And it shows that you are designated to 5 testify regarding topic 1. 6 A Yes. 7 Q And if you go down to page 4, do you see 8 that you are designated to testify with regard to 9 some portions of topic 2? 10 A Yes. 11 Q Okay. Thank you. Let me ask if you 12 reviewed any documents to prepare for the 13 deposition today. 14 A No. 15 Q So I want to ask you some questions about 16 your background and current position. What is 17 your current job title? 18 A Dean of students. 19 Q And how long have you been in that 20 position with Wayne State? 21 A 18-1/2 years. January of 2002. 22 Q And what did you do before that?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q And for the part-time student assistants, 2 do all of them report directly to you? 3 A No. 4 Q Who do they report to? 5 A Four of them report to our coordinator 6 of -- it's our -- warrior life coordinator is her 7 title. So four of them report to the warrior life 8 coordinator. One of them reports to our associate 9 director for student life marketing. One of them 10 reports to our coordinator for student life 11 wellness. 12 And one of them reports to the office of 13 economic development, but we pay half her salary 14 and she resides in our office because she's the 15 transportation ambassador, so she engages with 16 students and -- we're in the student center. 17 Q So -- 18 A I'm sorry. Then there's one more that I 19 forgot. And we have one more -- Daniel, who now 20 got shifted to work up front. So he's with our 21 coordinator -- warrior life coordinator. 22 Q And what does the warrior life</p>
<p style="text-align: right;">Page 11</p> <p>1 A Prior to coming to Wayne State, I worked 2 at the Ohio State University for 11 years. 3 Q And what was your position there? 4 A I had several. 5 Q And what were those? 6 A From 1991 to 1994, I was the coordinator 7 of Greek life. And then from 1994 till 2002, I 8 had various positions in the university honors 9 program, and then it became the university honors 10 and scholars program. So I began as a program 11 assistant and left as associate director. 12 Q How many people are in the dean of 13 students' office at Wayne State? 14 A Full time or part time or all? 15 Q Let's start with full time. 16 A Including myself, 11. 17 Q And what about part time? 18 A Eight student assistants. So the 19 part-timers are students for an on-campus job. 20 Q And do -- so going to the full time for a 21 moment, do all of them report directly to you? 22 A Yes.</p>	<p style="text-align: right;">Page 13</p> <p>1 coordinator do? 2 A She is the manager of our front office 3 which is our -- where students come in when they 4 need support. And then she assists us with our 5 student basic needs programs, our care reports, 6 our food pantry, our -- what we call student life 7 basic needs services. Our wellness initiative. 8 Q And your warrior life coordinator, what 9 is her name? 10 A Her name is Christina, C-H-R-I-S-T-I-N-A, 11 and her last name is Neal, N-E-A-L. 12 Q And does she report directly to you? 13 A Yes. 14 Q And you mentioned a marketing director? 15 A We have an associate director for student 16 life marketing. 17 Q And does that person report directly to 18 you? 19 A Yes. 20 Q And you also mentioned a wellness 21 coordinator? 22 A Yeah. Coordinator of student life</p>

<p style="text-align: right;">Page 14</p> <p>1 wellness.</p> <p>2 Q And does that person report directly to</p> <p>3 you?</p> <p>4 A Yes.</p> <p>5 Q And then you mentioned the economic</p> <p>6 development department. Is that somebody -- is</p> <p>7 that within the dean of students' office or is</p> <p>8 that a separate office?</p> <p>9 A That's under the office of economic</p> <p>10 development, under the vice president for economic</p> <p>11 development.</p> <p>12 Q So the student who reports to them is the</p> <p>13 only person in your office who does not report to</p> <p>14 you either directly or indirectly?</p> <p>15 A It depends on how you define</p> <p>16 "indirectly."</p> <p>17 Q So when I say indirectly, I mean they</p> <p>18 report to an intermediate person who then reports</p> <p>19 to you?</p> <p>20 A No, that's not correct. So they reside</p> <p>21 in the office. I know the student. They ask me</p> <p>22 for advice. But I have no -- I have no</p>	<p style="text-align: right;">Page 16</p> <p>1 MS. WINDHAM: This is actually the</p> <p>2 personal part of his deposition. I'm going to ask</p> <p>3 him some things about his personal</p> <p>4 responsibilities regarding his office and student</p> <p>5 organizations.</p> <p>6 MR. PAUWELS: Understood. All right.</p> <p>7 Thank you.</p> <p>8 BY MS. WINDHAM:</p> <p>9 Q So with regard to -- we got the -- stick</p> <p>10 with the understanding with regard to student</p> <p>11 organizations. As I'm going, I'll also ask some</p> <p>12 questions about organizations that are applying</p> <p>13 for registered staff as to student organizations.</p> <p>14 I think that will be clear from my questions, but</p> <p>15 if it's not, please let me know.</p> <p>16 So what is your office's -- the dean of</p> <p>17 students office's role with regard to student</p> <p>18 organizations?</p> <p>19 A We are the office that is designated with</p> <p>20 the responsibility for student organizations and</p> <p>21 registering student organizations.</p> <p>22 Q And who designates you with that</p>
<p style="text-align: right;">Page 15</p> <p>1 supervisory authority.</p> <p>2 Q So other than that student, does everyone</p> <p>3 in the dean of students' office either report to</p> <p>4 you or report to somebody who then reports to you?</p> <p>5 A Yes, that's correct.</p> <p>6 Q So I'm going to ask you some questions --</p> <p>7 a lot of questions about student organizations.</p> <p>8 And just so that we understand each other, when I</p> <p>9 use the word "registered student organizations,"</p> <p>10 or RSOs, I'm talking about student organizations</p> <p>11 that are registered. I'm including in that Greek</p> <p>12 groups and club sports. Do you understand that</p> <p>13 characterization?</p> <p>14 A Yes.</p> <p>15 Q I'll sometimes --</p> <p>16 MR. PAUWELS: Lori, do you mind if I</p> <p>17 interrupt for -- I'm sorry to interrupt the train</p> <p>18 of thought, but can we -- just to clarify the</p> <p>19 record, is this the 30(b)(6) portion of the</p> <p>20 deposition? I assume so because you showed him</p> <p>21 the notice, but I just wanted to make sure that</p> <p>22 the record was clear.</p>	<p style="text-align: right;">Page 17</p> <p>1 responsibility?</p> <p>2 A The university.</p> <p>3 Q And who at the university does that or</p> <p>4 makes that designation?</p> <p>5 A Well, I -- I am part of the office of the</p> <p>6 provost. It's been that way since before I got</p> <p>7 here.</p> <p>8 Q And so you mentioned registering student</p> <p>9 organizations. What other responsibilities does</p> <p>10 your office have in addition to registering</p> <p>11 student organizations?</p> <p>12 A I'm sorry. There was a hiccup there.</p> <p>13 Can you say that again?</p> <p>14 Q You mentioned registering student</p> <p>15 organizations. What other responsibilities with</p> <p>16 regard to student organizations does your office</p> <p>17 have?</p> <p>18 A Okay. We are the office that is</p> <p>19 responsible for the student code of conduct, and</p> <p>20 student organizations do fall under the student</p> <p>21 code of conduct which is the university policy for</p> <p>22 rights and responsibilities.</p>

<p style="text-align: right;">Page 18</p> <p>1 We have a student activity funding board</p> <p>2 which allocates funds to student organizations</p> <p>3 that they apply for.</p> <p>4 That's all. You know, we have student</p> <p>5 organization fairs and those types of things, but</p> <p>6 that's...</p> <p>7 Q So does your office organize or host --</p> <p>8 you mentioned student organization fairs and that</p> <p>9 sort of thing. Does your office organize or host</p> <p>10 events for student organizations?</p> <p>11 A We organize events for students and we</p> <p>12 are having a two-hour -- what we call an advance.</p> <p>13 We don't call retreats retreats, because</p> <p>14 retreating is going backwards; we call it advance</p> <p>15 because they're going forward. But I can't credit</p> <p>16 that to -- I took that from my last institution.</p> <p>17 But -- so we're doing that to help them</p> <p>18 prepare for the fall.</p> <p>19 Q And who is attending that advance?</p> <p>20 A We invited all registered student</p> <p>21 organizations. It's not required. It's optional.</p> <p>22 Q And would it be just the leaders or</p>	<p style="text-align: right;">Page 20</p> <p>1 week.</p> <p>2 Q Is that taking the place of something</p> <p>3 that you'd normally host or do with student</p> <p>4 organizations?</p> <p>5 A No. No.</p> <p>6 Q I know you -- I know you often have</p> <p>7 Festifall in the fall. Is that going forward this</p> <p>8 year?</p> <p>9 A It's going to be virtual, September 1st.</p> <p>10 Q And what is the purpose of Festifall?</p> <p>11 A Festifall is a -- I'll give you a quick</p> <p>12 history. So the day before classes start, we have</p> <p>13 a program called orientation -- well, the two days</p> <p>14 before classes start, we have a program called</p> <p>15 orientation part 2 for all new students, all</p> <p>16 first-year -- what we call FTIAC, first time in</p> <p>17 any college. And it's a welcome back. And there</p> <p>18 are student success sessions from the academic</p> <p>19 success center. There's a big spirit activity.</p> <p>20 That's on day one. We do a Title IX education as</p> <p>21 part of our federal compliance and state</p> <p>22 compliance related to sexual misconduct.</p>
<p style="text-align: right;">Page 19</p> <p>1 designated representatives of those organizations</p> <p>2 or would it be everybody who is involved in those</p> <p>3 organizations?</p> <p>4 A Anyone who is involved is welcome to</p> <p>5 attend.</p> <p>6 Q And is that something that you do every</p> <p>7 year?</p> <p>8 A No. It's the first year we did it</p> <p>9 because of the unusual circumstances of fall and</p> <p>10 that we -- you know, usually, students just come</p> <p>11 in our office and we see them, we talk to them and</p> <p>12 we attend their meetings. But the unusual</p> <p>13 circumstances that we're not -- this fall we're</p> <p>14 not permitted to have any in-person provost</p> <p>15 meetings, events or activities. No one on campus</p> <p>16 is allowed in. In fact, yesterday our division --</p> <p>17 our conference just canceled all fall sports for</p> <p>18 fall semester. So this is a way just to connect</p> <p>19 with students.</p> <p>20 Q And so is this going to be a virtual</p> <p>21 event?</p> <p>22 A Yes. It's a two-hour event on Zoom next</p>	<p style="text-align: right;">Page 21</p> <p>1 And then the next day we do what's called</p> <p>2 a convocation with the president, a formal</p> <p>3 welcome. And then we have Festifall, which is a</p> <p>4 big picnic and a big fair with student</p> <p>5 organizations and university departments, meet the</p> <p>6 deans of the colleges. Families are -- family</p> <p>7 members are invited as well. And it's just a way</p> <p>8 to learn about getting involved on campus. And</p> <p>9 any registered student organization is able to</p> <p>10 have a table. And it's very fun. And we're very</p> <p>11 disappointed that we can't have it this year, but</p> <p>12 we're doing it virtually. And we have a good</p> <p>13 product that we're using to do that. And students</p> <p>14 have already begun -- student organizations have</p> <p>15 already begun signing up for it. We put out the</p> <p>16 information.</p> <p>17 Q And I understand you have something</p> <p>18 similar to that in January where student</p> <p>19 organizations can sign up for tables?</p> <p>20 A Uh-huh. Called Winterfest that we do</p> <p>21 usually the -- depending on the calendar, usually</p> <p>22 the last week of January.</p>



<p style="text-align: right;">Page 22</p> <p>1 Q And is that similar in setup to</p> <p>2 Festifall? What's the difference? I'm assuming</p> <p>3 you'll have to move it inside given it's in</p> <p>4 January.</p> <p>5 A Yeah, we do it inside, and the difference</p> <p>6 is that we only do student organizations. So</p> <p>7 Festifall has university departments and</p> <p>8 university units, but --</p> <p>9 THE REPORTER: I'm sorry. Departments</p> <p>10 and...</p> <p>11 THE WITNESS: University units, so</p> <p>12 parking, computing, English department, et cetera.</p> <p>13 But the Winterfest is only for student orgs.</p> <p>14 BY MS. WINDHAM:</p> <p>15 Q And -- sorry, I'm just checking my notes</p> <p>16 here.</p> <p>17 So in addition to Festifall and</p> <p>18 Winterfest, what other -- what other programs or</p> <p>19 events do you organize that student organizations</p> <p>20 participate in?</p> <p>21 A So we also have student organizations</p> <p>22 day. And student organizations day is always the</p>	<p style="text-align: right;">Page 24</p> <p>1 Q I was about to describe that as a</p> <p>2 benefit. I don't know if you'll agree with that</p> <p>3 characterization. I was going to say, what other</p> <p>4 benefits or opportunities does your office make</p> <p>5 available for student organizations?</p> <p>6 A They can apply for funds for programs,</p> <p>7 events, activities that happen on campus from a</p> <p>8 board that we call the student activity funding</p> <p>9 board, which is a nine-student board where they</p> <p>10 apply for funds to put on events.</p> <p>11 Q And what other opportunities or benefits</p> <p>12 are available?</p> <p>13 A From our office?</p> <p>14 Q Yes.</p> <p>15 A Just those. Other than, you know,</p> <p>16 informal -- if they have a question, they can come</p> <p>17 ask us for help. That's not required -- you know,</p> <p>18 we're there for them as student affairs</p> <p>19 professionals to assist them if they have</p> <p>20 questions, issues, problems, need help.</p> <p>21 Q And you mentioned the student activities</p> <p>22 funding board. How are the students selected for</p>
<p style="text-align: right;">Page 23</p> <p>1 Wednesday of the first full week of classes. And</p> <p>2 the reason I say the first full week is because we</p> <p>3 start before Labor Day, and then Labor Day is a</p> <p>4 Monday, so we don't have a full week there. So</p> <p>5 that next week we have student organizations day.</p> <p>6 This year we're actually pushing it back a couple</p> <p>7 of weeks to the fourth week; we're converting our</p> <p>8 homecoming week into a spirit week, and another</p> <p>9 way for students to get involved on campus,</p> <p>10 because as our sports have been cancelled, we're</p> <p>11 going to try and still have a spirited week.</p> <p>12 Q And what other -- so how does -- how does</p> <p>13 the student organizations day differ from</p> <p>14 something like Festifall or Winterfest?</p> <p>15 A It doesn't. It's the same thing. Info</p> <p>16 tables.</p> <p>17 Q And what other -- I'm describing it as a</p> <p>18 benefit; I realize you may disagree --</p> <p>19 THE REPORTER: I'm sorry. Could you</p> <p>20 repeat that, please.</p> <p>21 MS. WINDHAM: Sorry.</p> <p>22 BY MS. WINDHAM:</p>	<p style="text-align: right;">Page 25</p> <p>1 that board?</p> <p>2 A They apply. And then we have a committee</p> <p>3 of folks from my staff and folks from other staffs</p> <p>4 that select them.</p> <p>5 Q And what exactly is the student</p> <p>6 activities funding board's responsibilities?</p> <p>7 A So a student organization will make</p> <p>8 application for funding for an event. And the</p> <p>9 board reviews that funding request and says -- you</p> <p>10 know, approves or -- approves, alters, or doesn't</p> <p>11 approve the request.</p> <p>12 The supply of money is less than the</p> <p>13 demand for money. So there is that application</p> <p>14 process. Every university has some type of a</p> <p>15 funding board. We just call ours student activity</p> <p>16 funding board.</p> <p>17 Q And you said student organizations can</p> <p>18 apply. Is that limited to registered student</p> <p>19 organizations?</p> <p>20 A Yeah. Yes. It's a benefit of being an</p> <p>21 RSO, yes.</p> <p>22 Q And the -- so the student activities</p>

<p style="text-align: right;">Page 26</p> <p>1 funding board -- from your earlier question [sic]  2 I take it that not every request is funded?  3 A That is correct.  4 Q And if there is -- well, let me ask, how  5 does the board decide which activities to fund?  6 Do they have criteria that they use?  7 A They do. They do. They have a criteria.  8 They -- so students apply. They have to -- the  9 form asks the organization, what is this doing --  10 what will this do for student life on campus? How  11 does this support the mission of the university?  12 What is your -- what are the outcomes? What are  13 your learning outcomes?  14 And then they review that. They review  15 the -- they do some sort of a -- you know, the  16 evaluation of the cost and what is the service,  17 what is the program being offered. And it is  18 advised by our office. We're the fiduciary for  19 that money. It's about \$230,000.  20 Q And then do they vote on whether to fund?  21 How is the decision made?  22 A They do. They vote.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q And he is the one who makes those  2 appointments?  3 A He works with a committee that will  4 assemble others from outside the office who are  5 not dean of students office representatives to do  6 interviews if there's -- if there are more  7 students who apply than there are spots. That's  8 not always the case.  9 Q And so who makes the ultimate decision on  10 which students to select?  11 A The group of interviewers.  12 Q So the committee?  13 A Uh-huh.  14 Q Just a moment.  15 We already touched on this a little bit,  16 but I want to ask you, who else on your team has  17 responsibilities with regard to student  18 organizations?  19 A Ricardo Villarosa. I guess if you -- I  20 guess I need to know more about -- I mean,  21 everybody -- we're a team, so everybody helps.  22 You know, we don't -- people just don't have their</p>
<p style="text-align: right;">Page 27</p> <p>1 Q And does your office have the ability to  2 override that decision?  3 A Yes. I do.  4 Q Only you?  5 A Yes.  6 Q And how are the -- I know you touched on  7 this earlier. How are the members of the student  8 activities funding board selected?  9 A We will -- they apply and -- for their  10 interest in serving on the board, and then there  11 is a selection process. There are also three  12 members that are appointed by the student  13 government which we call student senate, and then  14 six members who are at-large students from the  15 student population -- from the student community.  16 Q And those six members, they are appointed  17 by your office?  18 A Yes.  19 Q And who in your office is responsible for  20 making those appointments?  21 A So the advisor to the -- what we call  22 SAFB is Ryan Mitchell.</p>	<p style="text-align: right;">Page 29</p> <p>1 rigid lane that they stay in. We're all helping  2 each other. So I mean, I could -- if you have  3 more specific questions.  4 Q So everybody in your office has some  5 responsibility or does some work with regard to  6 student organizations?  7 A There are those that have a specific  8 responsibility of a task within a registered  9 student organization. There are others that are  10 here because someone has a question and someone is  11 up front and someone has -- student org walks in  12 with a question. We have 550 student  13 organizations, so if a student organization walks  14 in with a question, you know, and someone is --  15 who might be responsible for that area isn't --  16 isn't in right at that point, we're going to see  17 if we can assist the student or say, no, you need  18 to come back later for that person. Depends on  19 what the question is.  20 Q And so you mentioned Mr. Mitchell. What  21 are his responsibilities with regard to the  22 student organizations?</p>

<p style="text-align: right;">Page 30</p> <p>1 A So his title is the coordinator of  2 student organization programs and fraternity and  3 sorority life. So his responsibility -- when an  4 organization receives money from the student  5 activity funding board, because it is university  6 money, our office is the fiduciary for that money.  7 So when it comes to contracts, students are not  8 permitted to sign any contracts. Staff has to  9 do -- I have to do it.  10 So we're there -- Ryan is there to help  11 them with their event, help them with the  12 planning, help them with the financial logistics,  13 an advisor, so that's designated to him.  14 So if -- you know, if a group wanted to  15 have a dance with a DJ, then Ryan would contact  16 the DJ, get the contract. We have a whole  17 contract process we go through, but that would be  18 his job, because the students can't sign. I mean,  19 that's an overview. I could always go and tell  20 you more than you probably want to know about  21 working with student -- with -- with DJs and  22 things like that.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q And who is the ultimate decision-maker  2 for whether a student organization is registered?  3 A We -- if we have any -- if we have any  4 questions on a -- on a registration, we will  5 consult with the office of general counsel.  6 Ultimately, it would be my authority or -- I mean,  7 it's the provost or his or her designee -- that's  8 me. But because Mr. Villarosa reports to me, then  9 ultimately it's my responsibility if there's a  10 question.  11 But if there's ever a question, we're  12 consulting with general counsel before we make a  13 final decision. It depends on what the question  14 is, but -- we are going to err on the side of  15 consulting with general counsel.  16 Q So the initial decision -- let's say --  17 if there's no questions, the initial decision to  18 register an organization, who would make that  19 decision?  20 A Oh, Mr. Villarosa.  21 Q And when there are no questions or  22 issues, would you have any reason to be involved</p>
<p style="text-align: right;">Page 31</p> <p>1 Q Who is responsible for reservations and  2 contracts with the student center, for getting  3 space there, setting up events there?  4 A The student center administration.  5 That's not part of my operation.  6 Q And you also mentioned Mr. Villarosa.  7 What are --  8 A Villa.  9 Q Villarosa.  10 A Like a house, villa.  11 Q So Mr. Villarosa, what are his  12 responsibilities with regard to student  13 organizations?  14 A So he does the -- he is the one that does  15 the registering process. So when a student  16 organization submits their material, submits their  17 registration, he is the one that reviews that.  18 Q And does he consult you on those reviews?  19 A If he has a question, a concern, he does.  20 Q How frequently would you estimate that  21 that happens?  22 A Infrequently.</p>	<p style="text-align: right;">Page 33</p> <p>1 in that decision?  2 A No.  3 Q And if a question or issue arises, what's  4 the process, then?  5 A He will consult with me. We will then  6 collectively determine what we believe a  7 resolution to be. If we have any trepidation, we  8 will consult with the office of general counsel.  9 Q Is there anybody you might consult with  10 other than the office of general counsel?  11 A We will start with the office of general  12 counsel.  13 Q And -- I'll move on there.  14 Speaking about Mr. Villarosa's authority  15 to do the initial recognition of student  16 organizations, did you delegate that authority to  17 him?  18 A Yes. That's part of the position  19 description.  20 Q And if you wanted to override one of  21 Mr. Villarosa's decisions on student organization  22 recognition, could you do so?</p>

<p style="text-align: right;">Page 34</p> <p>1 A Yes.</p> <p>2 Q Have you ever done so?</p> <p>3 A I don't recall that I have.</p> <p>4 Q How often do you personally interact with</p> <p>5 student organizations or their representatives?</p> <p>6 A Can you explain what you mean?</p> <p>7 Q If a student organization representative</p> <p>8 were to come into your office or need some help,</p> <p>9 would you ever interact with them directly?</p> <p>10 A Yes.</p> <p>11 Q And about how often would you say that</p> <p>12 happens?</p> <p>13 A In the non-COVID times, almost daily.</p> <p>14 It's part of my job. Or I see it as part of my</p> <p>15 job to be interactive with students and student</p> <p>16 orgs.</p> <p>17 Q And what about going out on campus? Do</p> <p>18 you attend events that are hosted by student</p> <p>19 organizations?</p> <p>20 A I do when they -- when they invite me.</p> <p>21 Sometimes they don't. Some of them don't want me</p> <p>22 at their events. I have the -- I mean, I can stop</p>	<p style="text-align: right;">Page 36</p> <p>1 litigation started, so going back, you know,</p> <p>2 before 2018, how often would you say you</p> <p>3 interacted with InterVarsity Christian Fellowship</p> <p>4 or their representatives on campus?</p> <p>5 A Rarely, if ever.</p> <p>6 Q Do you remember who specifically -- do</p> <p>7 you remember anyone in particular you interacted</p> <p>8 with?</p> <p>9 A You froze on me. I can hear you, but</p> <p>10 your video froze, just FYI.</p> <p>11 No, I don't recall.</p> <p>12 Q Do you remember any issues or anything</p> <p>13 specific, good or bad, with regard to InterVarsity</p> <p>14 Christian Fellowship before the current</p> <p>15 controversy started?</p> <p>16 MR. PAUWELS: Object to the form.</p> <p>17 BY MS. WINDHAM:</p> <p>18 Q So going back prior to 2018, prior to</p> <p>19 2017, do you recall any particular interactions</p> <p>20 with or any particular issues with regard to</p> <p>21 InterVarsity Christian Fellowship?</p> <p>22 A No.</p>
<p style="text-align: right;">Page 35</p> <p>1 by, and I like to because I like to be visible. I</p> <p>2 like to support them. So I would say, yes.</p> <p>3 Do I go to every one? No. But I do --</p> <p>4 if they say, will you stop by our event,</p> <p>5 absolutely. It's part of the job. It's part of</p> <p>6 what you do as a dean. Or at least what I think</p> <p>7 we should do.</p> <p>8 Q How often would you say you're stopping</p> <p>9 by at a student organization event?</p> <p>10 A At least once a week. It depends on what</p> <p>11 else is on my calendar. Even if it's just to pop</p> <p>12 in for a minute and say, hi, hope you all are</p> <p>13 doing okay.</p> <p>14 Q Do you ever remember stopping by</p> <p>15 InterVarsity Christian Fellowship event?</p> <p>16 A When they would have, you know -- you</p> <p>17 know, saying hi -- not to an event. You know, I</p> <p>18 may be -- they may be having a gathering in a room</p> <p>19 and the door is open, and I might say, hi, but --</p> <p>20 you know, if they're here on my floor. But other</p> <p>21 than that, not -- not attending their event, no.</p> <p>22 Q How -- what were your -- before this</p>	<p style="text-align: right;">Page 37</p> <p>1 Q I just wanted to ask about a couple of</p> <p>2 other things in your office. What are warrior</p> <p>3 pride affinity programs?</p> <p>4 A Can you -- can you explain?</p> <p>5 Q I just saw it mentioned on the website</p> <p>6 and was curious.</p> <p>7 A Can you refer me to that? Can you pull</p> <p>8 it up?</p> <p>9 Q I do not have the link, but I will get</p> <p>10 that for you.</p> <p>11 A I'm wondering if you had it -- I would</p> <p>12 like to see where it was specifically. That would</p> <p>13 help me better answer the question. I mean, I can</p> <p>14 tell you in a general sense what it is, but I'd</p> <p>15 prefer that I see where it's being referred from.</p> <p>16 Q I'll get that. I have one other link for</p> <p>17 the same document. I will get that and -- so I</p> <p>18 can upload it for you a little bit later.</p> <p>19 A Thank you. Yeah, we can do it, if you</p> <p>20 want, when I have to speak to the group.</p> <p>21 Q Sounds good. So I want to ask you a</p> <p>22 little bit about your recordkeeping for your</p>

<p style="text-align: right;">Page 38</p> <p>1 office. When did your office switch to OrgSync to</p> <p>2 track student organization registration?</p> <p>3 MR. PAUWELS: Object to the form and</p> <p>4 foundation.</p> <p>5 BY MS. WINDHAM:</p> <p>6 Q At one point you used OrgSync for student</p> <p>7 organization registration, correct?</p> <p>8 A Yes.</p> <p>9 Q And when did you start using that</p> <p>10 program?</p> <p>11 A I don't recall the exact date. I can</p> <p>12 find that information on our financial records of</p> <p>13 payment, but I don't have it right in my head.</p> <p>14 Q Do you have a general time period?</p> <p>15 A Yes. Let me do some quick math.</p> <p>16 Somewhere around 2016. But again, I would prefer</p> <p>17 to give you an exact date by looking on the -- our</p> <p>18 electronic record system with the university for</p> <p>19 financial records.</p> <p>20 Q We'll follow up on that. And on --</p> <p>21 prior -- so prior to -- actually, let me ask you,</p> <p>22 do you still use OrgSync?</p>	<p style="text-align: right;">Page 40</p> <p>1 Engage, is what everybody uses.</p> <p>2 They phased in the usage of Engage so</p> <p>3 they didn't switch all their campuses to Engage at</p> <p>4 once. They -- you're talking about a thousand</p> <p>5 campuses. So they transitioned it. But it's</p> <p>6 still been the same web platform product.</p> <p>7 Q And so that's what you use for student</p> <p>8 organization registration?</p> <p>9 A Yes.</p> <p>10 Q And is that also what you use for</p> <p>11 communications back and forth with regard to that</p> <p>12 registration?</p> <p>13 A Yes. And e-mail. But yes, because when</p> <p>14 a student organization goes in, we dialogue with</p> <p>15 them through the product.</p> <p>16 Q And you use e-mail as well sometimes?</p> <p>17 A Well, it goes into your e-mail system,</p> <p>18 the way it works.</p> <p>19 Q So when a student organization leader</p> <p>20 sends a message to your office through -- I'm</p> <p>21 sorry, I was going to say OrgSync, but that's not</p> <p>22 the current name.</p>
<p style="text-align: right;">Page 39</p> <p>1 A Well, it's -- it's more complicated than</p> <p>2 a yes/no, but I would -- OrgSync merged with</p> <p>3 another company and -- we still use the -- in a</p> <p>4 different iteration, yes.</p> <p>5 Q So -- is that --</p> <p>6 A Can I explain that? I need to ask if I</p> <p>7 can -- so OrgSync was a product, and there was a</p> <p>8 product called CollegiateLink and they were</p> <p>9 competitors. And CollegiateLink bought OrgSync,</p> <p>10 and then they merged the two products. And</p> <p>11 then -- so for a while we were an OrgSync</p> <p>12 campus -- you were either a CollegiateLink campus</p> <p>13 or an OrgSync campus. And then they merged</p> <p>14 everybody together eventually to what's called</p> <p>15 Engage.</p> <p>16 So it was just companies buying</p> <p>17 companies, but the premise of the product was the</p> <p>18 same.</p> <p>19 Q And so do you use Engage now?</p> <p>20 A Yes. So the product is now called</p> <p>21 Engage, but it's -- and then the company got</p> <p>22 bought out again. So it's -- but it's called</p>	<p style="text-align: right;">Page 41</p> <p>1 A Engage. Engage. Yeah.</p> <p>2 Q Does that then go through to someone's</p> <p>3 e-mail box?</p> <p>4 A Right. You get an alert in your e-mail,</p> <p>5 correct.</p> <p>6 Q And whose does it go to?</p> <p>7 A To Ricardo Villarasos.</p> <p>8 Q And do all of them go to his e-mail box</p> <p>9 or would they have the opportunity to direct it to</p> <p>10 somebody else?</p> <p>11 A No. The registration goes to him.</p> <p>12 Q And does your office use that platform to</p> <p>13 communicate with each other internally?</p> <p>14 A No.</p> <p>15 Q How do you communicate -- what technology</p> <p>16 or -- what technology do you use to communicate</p> <p>17 internally?</p> <p>18 A E-mail, phone, Microsoft Teams, and</p> <p>19 walking down the hall when we're allowed to see</p> <p>20 each other after we get through COVID.</p> <p>21 Q And so when did the transition from</p> <p>22 OrgSync to the current platform happen? Do you</p>

<p style="text-align: right;">Page 42</p> <p>1 recall?</p> <p>2 A Yeah. That was summer of '18. Summer of</p> <p>3 '18. Because we had for '18-'19, and of course</p> <p>4 '19-'20 was cut short because -- well, we went on</p> <p>5 closure in March.</p> <p>6 Q So I want to go back to before you</p> <p>7 transitioned to OrgSync.</p> <p>8 A Yes.</p> <p>9 Q Before using OrgSync, what did the</p> <p>10 student organization registration and process look</p> <p>11 like? How did it work?</p> <p>12 A Well, we had a electronic form through a</p> <p>13 product called Adobe FormsCentral which was just a</p> <p>14 form submission.</p> <p>15 Q And was that form on your website?</p> <p>16 A Yes. Filled out the form and submitted</p> <p>17 it.</p> <p>18 THE REPORTER: I'm sorry. Say it again,</p> <p>19 please.</p> <p>20 THE WITNESS: You filled out the form and</p> <p>21 hit submit, like any of us would fill out a web</p> <p>22 form.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q But the forms were generally sent to an</p> <p>2 e-mail when they were submitted?</p> <p>3 A Yeah. There was a -- you would hit</p> <p>4 submit. It would go to a staff member for review.</p> <p>5 Q Would you ever have reason to have hard</p> <p>6 copies of those forms or those applications?</p> <p>7 A No. Prior to FormsCentral, we were</p> <p>8 hard -- we were all paper. The move was to --</p> <p>9 Q And --</p> <p>10 A I'm sorry.</p> <p>11 Q Go ahead.</p> <p>12 A No. The move was to move us to a digital</p> <p>13 interaction for students so that they didn't have</p> <p>14 to always come into the office to do their</p> <p>15 registration work.</p> <p>16 Q And so if my math is right -- always a</p> <p>17 risky thing -- somewhere around 2012, 2013 is when</p> <p>18 you started using the Adobe FormsCentral?</p> <p>19 A I think that's accurate. The person at</p> <p>20 the time is not on my -- she's not at the</p> <p>21 university anymore. So I would have to jog her</p> <p>22 memory.</p>
<p style="text-align: right;">Page 43</p> <p>1 BY MS. WINDHAM:</p> <p>2 Q And when students filled out that form,</p> <p>3 who did it go to?</p> <p>4 A Well, the person in Mr. -- before --</p> <p>5 we've always had a staff member who reviews</p> <p>6 student organization registration. So it's</p> <p>7 currently Mr. Villarosa. It has been others.</p> <p>8 Q And do you know about how long you were</p> <p>9 using that Adobe form process?</p> <p>10 A Yeah. We were using it for about three,</p> <p>11 four years.</p> <p>12 Q And where are the records kept of those</p> <p>13 forms and those communications?</p> <p>14 A For which?</p> <p>15 Q For the Adobe form process.</p> <p>16 A That product is no longer available. So</p> <p>17 the -- there wasn't a repository. Engage is a</p> <p>18 cloud-based system.</p> <p>19 Q And so for any Adobe forms records, are</p> <p>20 there records of those in e-mails?</p> <p>21 A I would have to do more research on those</p> <p>22 records.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q And who was responsible for that? Who</p> <p>2 was that you were referring to?</p> <p>3 A Back then?</p> <p>4 Q Uh-huh.</p> <p>5 A So her first name is Denise, D-E-N-I-S-E.</p> <p>6 And her last name I'll spell for you</p> <p>7 D-E-J-O-N-G-H-E. DeJonghe.</p> <p>8 Q And what was her position -- in the dean</p> <p>9 of students office?</p> <p>10 A Yeah. So Heather Marks, who is our</p> <p>11 coordinator -- I'm sorry, Heather Marks is our</p> <p>12 associate director for student life marketing.</p> <p>13 That's a new title. Before that, it was marketing</p> <p>14 coordinator. So Heather -- when Denise left,</p> <p>15 Heather took that job.</p> <p>16 Q And so prior to when you started using</p> <p>17 OrgSync -- so I'm talking about the Adobe forms --</p> <p>18 what was the student group registration process</p> <p>19 like?</p> <p>20 A Submit the -- you know, completing a</p> <p>21 form.</p> <p>22 Q And then once you completed a form, what</p>



<p style="text-align: right;">Page 46</p> <p>1 would happen?</p> <p>2 A Reviewed.</p> <p>3 Q Who would review it?</p> <p>4 A The person responsible for reviewing the</p> <p>5 forms.</p> <p>6 Q And who was that?</p> <p>7 A I've had a lot of staff in the days.</p> <p>8 I -- you know, I probably couldn't tell you every</p> <p>9 single person without sitting down and thinking</p> <p>10 about it for a few minutes.</p> <p>11 Q Was there a particular person who would</p> <p>12 receive those forms into their e-mails? Were they</p> <p>13 directed toward one staff member?</p> <p>14 A There was always -- yeah, so there was</p> <p>15 always a staff member responsible for student</p> <p>16 organization registration. It was a staff</p> <p>17 person's position responsibility.</p> <p>18 Q And who had that responsibility prior to</p> <p>19 Mr. Villarosa?</p> <p>20 A I'd have to jog my memory.</p> <p>21 Q Once an organization submitted a form --</p> <p>22 and again, I'm talking about the Adobe forms time</p>	<p style="text-align: right;">Page 48</p> <p>1 Q Was student organization registration</p> <p>2 during that time period an annual process?</p> <p>3 A Yes. Every fall.</p> <p>4 Q So you had to apply for recognized</p> <p>5 student -- sorry. You had to apply for recognized</p> <p>6 status every fall?</p> <p>7 THE REPORTER: I'm sorry. Could you</p> <p>8 repeat the question, please.</p> <p>9 BY MS. WINDHAM:</p> <p>10 Q So a student organization would have to</p> <p>11 apply for recognized status every fall?</p> <p>12 A Registered status. They have to register</p> <p>13 every fall. We would start it in -- like around</p> <p>14 August, you know. Way back -- go ahead, I'm</p> <p>15 sorry.</p> <p>16 Q I think I was about to ask you the same</p> <p>17 question. Was there a prior -- a different</p> <p>18 process or a time when that was different?</p> <p>19 A Yes. So in the early 2000s, they would</p> <p>20 have to register at the beginning of fall semester</p> <p>21 and the beginning of winter semester. And it took</p> <p>22 me a couple of years to convince my staff, why are</p>
<p style="text-align: right;">Page 47</p> <p>1 period -- once an organization submitted a form,</p> <p>2 it would then go to a staff member. Who would</p> <p>3 review that application?</p> <p>4 A The staff member.</p> <p>5 Q And would it be the same staff member</p> <p>6 with regard to all student organizations?</p> <p>7 A Yes.</p> <p>8 Q Would you ever be responsible for</p> <p>9 reviewing those?</p> <p>10 A Only if there was a question and I needed</p> <p>11 to be consulted.</p> <p>12 Q And so who would, then, make the</p> <p>13 decision -- the initial decision to register or</p> <p>14 not register the organization?</p> <p>15 A The staff person.</p> <p>16 Q The same person who received the form?</p> <p>17 A Yes.</p> <p>18 Q And what would happen if a question</p> <p>19 arose?</p> <p>20 A They would come to me. And if we needed</p> <p>21 to consult outside of dean of students office, we</p> <p>22 would contact the office of general counsel.</p>	<p style="text-align: right;">Page 49</p> <p>1 we making them do this twice a year?</p> <p>2 I came from an institution that was way</p> <p>3 far ahead in their activities than this place. So</p> <p>4 I cleaned some things up to make it easier for</p> <p>5 students.</p> <p>6 Q And do you remember about what time that</p> <p>7 happened, when you --</p> <p>8 A About -- we did that about 2005, 2006.</p> <p>9 Q So fair to say as long as you have been</p> <p>10 dean of students, organizations have had to apply</p> <p>11 to be registered at least once a year?</p> <p>12 A Yes.</p> <p>13 Q Do you know if you have any records from</p> <p>14 the -- going back to the Adobe forms time period?</p> <p>15 Do you think you still have any records,</p> <p>16 organization applications then?</p> <p>17 A I don't know. I don't believe so.</p> <p>18 Q Do you have a document retention policy</p> <p>19 for the dean of students office?</p> <p>20 A We have -- the university has financial</p> <p>21 document retention records.</p> <p>22 Q Do you have a policy that would apply to</p>

<p style="text-align: right;">Page 50</p> <p>1 documents that are not financial documents?</p> <p>2 A No.</p> <p>3 Q And do you -- would you consider student</p> <p>4 organization applications to be financial</p> <p>5 documents?</p> <p>6 A No. Now that we have the Engage product,</p> <p>7 we have a cloud system where we -- where there is</p> <p>8 a repository. So there is -- so we have that</p> <p>9 information on Engage. One of the reasons we went</p> <p>10 to an online product was to have that document</p> <p>11 management.</p> <p>12 Q And did you have a document retention</p> <p>13 policy in place after this litigation started?</p> <p>14 A Well, we -- we've had the online product.</p> <p>15 So that -- that is our repository because the</p> <p>16 company, which is called Campus Labs, but now they</p> <p>17 just got bought out about two months ago, so we're</p> <p>18 still trying to remember their new name -- but</p> <p>19 they retain that data for us.</p> <p>20 Q And do you have any kind of document</p> <p>21 retention policy regarding any data, information</p> <p>22 that's not kept in the cloud by Campus Labs?</p>	<p style="text-align: right;">Page 52</p> <p>1 it doesn't -- there's not -- from my office and</p> <p>2 for what we do, there's not a -- our recordkeeping</p> <p>3 is this.</p> <p>4 So I -- I think policy is a pretty broad</p> <p>5 word. I'd have to have a better understanding of</p> <p>6 what you're looking for.</p> <p>7 Q So going specifically to your review</p> <p>8 process for constitutions or applications for</p> <p>9 recognized [sic] student organization status, does</p> <p>10 your office have documents or communications</p> <p>11 related to that process that would not -- that</p> <p>12 would be kept somewhere other than the cloud</p> <p>13 repository?</p> <p>14 A Student organization registration</p> <p>15 material is -- is in Engage.</p> <p>16 Q So there would be no material that is</p> <p>17 kept anywhere other than in Engage?</p> <p>18 A What are you referring to as material?</p> <p>19 Q Communications or documents related to</p> <p>20 student organization applications and</p> <p>21 registration.</p> <p>22 A There is -- you know, e-mails are a</p>
<p style="text-align: right;">Page 51</p> <p>1 A I guess I don't understand your question.</p> <p>2 Q So I asked you about document retention</p> <p>3 policies, and you responded with regard to data</p> <p>4 that's kept by Campus Labs. I'm asking about data</p> <p>5 that is not kept by them. Do you have a document</p> <p>6 retention policy for that data?</p> <p>7 A Student organization data? What data?</p> <p>8 Q Information or communications in your</p> <p>9 office that would be related to student</p> <p>10 organizations.</p> <p>11 A Well, I mean, the two -- we have three</p> <p>12 areas of, you know, data. We have the Engage</p> <p>13 product for student organization materials --</p> <p>14 registration materials. We have -- we have a</p> <p>15 platform that we use for conduct management. And</p> <p>16 then we have the university financial system.</p> <p>17 Q And do you have a data retention policy</p> <p>18 for any or all three sets of information?</p> <p>19 A I would have to -- I don't think I can</p> <p>20 talk -- I need to have better clarification on how</p> <p>21 you define policy. The university has an</p> <p>22 administrative policies and procedures manual, but</p>	<p style="text-align: right;">Page 53</p> <p>1 method of communication amongst individuals if</p> <p>2 there are questions or communications.</p> <p>3 It's 10:03. Can I pause now to go to my</p> <p>4 other call?</p> <p>5 MS. WINDHAM: Yes. Certainly. How long?</p> <p>6 THE WITNESS: Can we reconvene at 10:15?</p> <p>7 MS. WINDHAM: Yes. That sounds good.</p> <p>8 THE WITNESS: Okay. Thank you.</p> <p>9 MS. WINDHAM: Thank you.</p> <p>10 (Whereupon, a short recess was taken.)</p> <p>11 BY MS. WINDHAM:</p> <p>12 Q I'll go ahead and pick up -- actually,</p> <p>13 let me see. Just a second.</p> <p>14 A couple of questions from what we were</p> <p>15 talking about just before the break. You talked a</p> <p>16 little bit about before you moved to OrgSync, you</p> <p>17 were using the Adobe forms process for student</p> <p>18 organization registration. Was there any place</p> <p>19 where those applications would be kept other than</p> <p>20 in e-mail?</p> <p>21 A Yeah. Yes. So Denise, who was utilizing</p> <p>22 Adobe FormsCentral -- there was a way for her to</p>



<p style="text-align: right;">Page 54</p> <p>1 keep that repository of those forms coming in.</p> <p>2 Q And where is -- where was that kept?</p> <p>3 A On her computer system.</p> <p>4 Q Her computer system in the dean of</p> <p>5 students office?</p> <p>6 A Yes.</p> <p>7 Q And do you still have that computer</p> <p>8 system, like those files?</p> <p>9 A No.</p> <p>10 Q What happened to them?</p> <p>11 A I don't know. I'd have to -- I'd have to</p> <p>12 ask Heather. She might have -- know a history</p> <p>13 more on them.</p> <p>14 Q You said Heather. Heather Marks?</p> <p>15 A So Heather took over for Denise, and</p> <p>16 actually Heather was one of Denise's students and</p> <p>17 then came back to the university to work. So --</p> <p>18 but it's been so long ago and when we retired the</p> <p>19 FormsCentral product -- because Adobe was no</p> <p>20 longer supporting it and there were a lot of</p> <p>21 problems; a lot of users were talking about the</p> <p>22 problems, and we just -- it -- it was becoming</p>	<p style="text-align: right;">Page 56</p> <p>1 Q And so if I am making some reference to</p> <p>2 the national organization then I think that should</p> <p>3 be clear from my question, but otherwise, you and</p> <p>4 I can both assume that I'm talking about the</p> <p>5 student chapter.</p> <p>6 A That sounds good.</p> <p>7 Q So prior -- I know we covered a little</p> <p>8 bit of this before, but prior to 2017, do you</p> <p>9 recall any specific interactions with InterVarsity</p> <p>10 or with its leaders or representatives?</p> <p>11 A No.</p> <p>12 Q And were you aware of the group at all?</p> <p>13 A Yes.</p> <p>14 Q And were you aware of the student</p> <p>15 organization on campus?</p> <p>16 A Yes. I thought your other questions were</p> <p>17 also referring to InterVarsity on campus.</p> <p>18 Q They were. And I realize I was probably</p> <p>19 confusing you there. Because I was going to ask</p> <p>20 the follow-up, which is, were you aware of the</p> <p>21 national organization as well?</p> <p>22 A Not as much about the national. You</p>
<p style="text-align: right;">Page 55</p> <p>1 something where they just weren't -- Adobe was no</p> <p>2 longer supporting it. There were hiccups. There</p> <p>3 were problems with it. And that's where we then</p> <p>4 had to make the investment into OrgSync at the</p> <p>5 time, because Adobe was just -- it was failing</p> <p>6 more than it was being successful in providing us</p> <p>7 a product that was always going down.</p> <p>8 But there was nothing else out there.</p> <p>9 OrgSync is very expensive, and we had to do some</p> <p>10 shuffling because, as you know, in higher</p> <p>11 education we certainly do not have the funds for</p> <p>12 platform management.</p> <p>13 Q So I want to move to talking about --</p> <p>14 actually, let me go ahead and just start with</p> <p>15 talking about InterVarsity. And I know in this</p> <p>16 case -- you probably know, I'm sure -- we have</p> <p>17 InterVarsity at Wayne State, the student chapter,</p> <p>18 and then we have InterVarsity USA, which is the</p> <p>19 national organization. And when I mention</p> <p>20 InterVarsity, I'm going to be talking about the</p> <p>21 student chapter. Do you understand that?</p> <p>22 A Yes. Uh-huh.</p>	<p style="text-align: right;">Page 57</p> <p>1 know, oftentimes, you get confused -- when you</p> <p>2 think of InterVarsity Christian Fellowship, and</p> <p>3 then there's the Fellowship of Christian Athletes,</p> <p>4 and sometimes people will confuse -- so where I</p> <p>5 was previously was a very active --</p> <p>6 THE REPORTER: I'm sorry. Could you slow</p> <p>7 down a little bit, please.</p> <p>8 THE WITNESS: Sure. So where I was</p> <p>9 prior, FCA, Fellowship of Christian Athletes, was</p> <p>10 very popular. But no, I -- I was aware -- just in</p> <p>11 being in my line of work, I was aware of</p> <p>12 InterVarsity as an organization for students on</p> <p>13 college campuses. And then, when I arrived here,</p> <p>14 just knowing InterVarsity, just being at Festifall</p> <p>15 and student org day and Winterfest.</p> <p>16 BY MS. WINDHAM:</p> <p>17 Q Okay. And I will -- to be clear, I'll go</p> <p>18 back now and just asking about the student</p> <p>19 chapter.</p> <p>20 A Okay.</p> <p>21 Q So then -- I want to take you to 2017</p> <p>22 when InterVarsity was not recognized. When did</p>

<p style="text-align: right;">Page 58</p> <p>1 you become aware of the situation or the issue</p> <p>2 with InterVarsity?</p> <p>3 A When Mr. Villarosa brought to my</p> <p>4 attention the -- the alerting to me of the</p> <p>5 question that he had in their form submission as</p> <p>6 it related to their organizational structure.</p> <p>7 Q And do you know when that -- about when</p> <p>8 that was?</p> <p>9 A I don't. I can't recall the exact date.</p> <p>10 I could find it, but I don't have it here.</p> <p>11 Q And was that -- did he make you aware of</p> <p>12 other organizations who had issues as well or just</p> <p>13 InterVarsity?</p> <p>14 A He always makes me aware of the student</p> <p>15 organization that there is an issue.</p> <p>16 Q And do you recall the specific</p> <p>17 conversation that you had with him about the issue</p> <p>18 with InterVarsity?</p> <p>19 A No.</p> <p>20 Q Was there anybody else who was present</p> <p>21 when you had that conversation with Mr. Villarosa?</p> <p>22 A I don't recall.</p>	<p style="text-align: right;">Page 60</p> <p>1 Q How many times did you discuss that</p> <p>2 decision with Mr. Villarosa?</p> <p>3 A I can't -- I don't have a -- I don't have</p> <p>4 a quantifying number.</p> <p>5 Q Was it more than once?</p> <p>6 A Yes.</p> <p>7 Q Was it more than five times?</p> <p>8 A We had ongoing discussion as he was</p> <p>9 getting information from general counsel.</p> <p>10 Q And over what time period were those</p> <p>11 discussions going on?</p> <p>12 A I don't have the specific dates.</p> <p>13 Q Can you give me an estimate?</p> <p>14 A Well, from the time of not being -- from</p> <p>15 the time of the concern being raised and then them</p> <p>16 not being registered and then the decision being</p> <p>17 made to allow them to register, which allowed them</p> <p>18 to reserve space without paying for the space,</p> <p>19 which was an issue, that they wanted the reserved</p> <p>20 space and not pay for the space as an outside</p> <p>21 group, I would say that was, you know, several --</p> <p>22 that was a few months. I couldn't quantify how</p>
<p style="text-align: right;">Page 59</p> <p>1 Q Who made the initial decision in 2017 not</p> <p>2 to register InterVarsity?</p> <p>3 A I don't recall.</p> <p>4 Q And when you became aware of the issue,</p> <p>5 was it before or after the initial decision had</p> <p>6 been made?</p> <p>7 A Which initial decision?</p> <p>8 Q The initial decision not to register</p> <p>9 InterVarsity in 2017.</p> <p>10 A When Mr. Villarosa had the question</p> <p>11 mark -- what I call a question mark about the</p> <p>12 registration -- he brought that to me. I informed</p> <p>13 him that we needed to contact the office of</p> <p>14 general counsel. We then contacted the office of</p> <p>15 general counsel.</p> <p>16 Q So you were the one who decided to refer</p> <p>17 it to the office of general counsel?</p> <p>18 A Yes. And I asked Mr. Villarosa to</p> <p>19 contact them.</p> <p>20 Q Was there anybody else that you consulted</p> <p>21 on that decision?</p> <p>22 A I don't recall.</p>	<p style="text-align: right;">Page 61</p> <p>1 many.</p> <p>2 I could go back -- I'm sure we could find</p> <p>3 it, but I don't have that on my -- tip of my</p> <p>4 tongue right now.</p> <p>5 Q And in addition to you and Mr. Villarosa,</p> <p>6 was anybody else in the dean of students office</p> <p>7 involved in those discussions and ongoing</p> <p>8 conversations?</p> <p>9 A Not involved. Aware. We're a close</p> <p>10 group. There's only 11 of us. So -- and we're</p> <p>11 all in one office suite together. So people were</p> <p>12 aware, but not involved in any authority of it.</p> <p>13 Q So I have some documents related to that,</p> <p>14 some of which you've probably seen before. It's</p> <p>15 going to take me just a minute to pull those up</p> <p>16 for you, but we can --</p> <p>17 A Sure.</p> <p>18 Q -- walk through those. Sorry, give me</p> <p>19 just a minute. I'm also new with Exhibit Share.</p> <p>20 A Gives me a chance to have my snack.</p> <p>21 Q Okay. I just downloaded the document</p> <p>22 stamped WSU001775. Can you see that now?</p>

<p style="text-align: right;">Page 62</p> <p>1 A Yep. Yep. I opened it.</p> <p>2 Q Great. And this is an e-mail between</p> <p>3 Mr. Villarosa and Ann Beyerlein?</p> <p>4 A I see that.</p> <p>5 Q Have you ever seen this document before?</p> <p>6 A I was made aware of the decision. I</p> <p>7 don't recall if I did or did not see the actual</p> <p>8 document that you're showing me, but I am -- I'm</p> <p>9 just scrolling through it. But I am aware of it.</p> <p>10 I'm aware of the decision that was made because he</p> <p>11 kept me informed.</p> <p>12 Q So this document is dated, as you'll see,</p> <p>13 October 3rd, 2017.</p> <p>14 A Yes.</p> <p>15 Q And it says, "I have confirmation from</p> <p>16 our office of general counsel."</p> <p>17 So based on that, would it be fair to say</p> <p>18 that you were aware of the situation prior to this</p> <p>19 date, October 3rd, 2017?</p> <p>20 A Yes.</p> <p>21 Q And you said earlier that you had been</p> <p>22 the one to make the decision to refer it to the</p>	<p style="text-align: right;">Page 64</p> <p>1 office?</p> <p>2 A You know, I would say it's between five</p> <p>3 and ten.</p> <p>4 Q So, say --</p> <p>5 A No, between five and ten. I don't have</p> <p>6 an exact number, but it certainly isn't large.</p> <p>7 That's why I use that range of five to ten.</p> <p>8 Q And safe to say that InterVarsity's</p> <p>9 application was not the only one that was referred</p> <p>10 to the general counsel's office that year?</p> <p>11 A I think it's safe to say that. I</p> <p>12 couldn't give you a quantifying without doing the</p> <p>13 research -- more in-depth research on it, but I</p> <p>14 think it is safe to say that.</p> <p>15 Q Do you remember the names of any other</p> <p>16 organizations that you had to refer to the general</p> <p>17 counsel's office for questions?</p> <p>18 A You mean ever?</p> <p>19 Q Sorry. The 20- -- within the 2017-2018</p> <p>20 school year.</p> <p>21 A I don't.</p> <p>22 Q So after -- actually, I'm going to move</p>
<p style="text-align: right;">Page 63</p> <p>1 office of general counsel?</p> <p>2 A Yes.</p> <p>3 Q And it appears from this e-mail that</p> <p>4 would have happened at some point prior to</p> <p>5 October 3rd, 2017; is that correct?</p> <p>6 A Yes.</p> <p>7 Q How often does your office refer issues</p> <p>8 the to general counsel's office -- actually,</p> <p>9 strike that. Let me be more specific.</p> <p>10 How often does your office refer</p> <p>11 questions to the general counsel's office about</p> <p>12 student organization registration?</p> <p>13 A Can you define "often"?</p> <p>14 Q How many times a year would you say your</p> <p>15 office refers questions about student organization</p> <p>16 registration to the general counsel's office?</p> <p>17 A Under ten.</p> <p>18 Q And this year -- this would be the</p> <p>19 2017-2018 school year -- about how many times do</p> <p>20 you think you needed to refer -- about how many</p> <p>21 times did you refer questions about student</p> <p>22 organization registration to the general counsel's</p>	<p style="text-align: right;">Page 65</p> <p>1 on to another e-mail. Give me just a moment.</p> <p>2 Hazards of the new system. I have these out of</p> <p>3 order, so it takes me a moment to find the one I'm</p> <p>4 looking for.</p> <p>5 A That's okay.</p> <p>6 Q Actually, if we go back to that e-mail</p> <p>7 for just a moment, 1775, on page 2 of it, there's</p> <p>8 an e-mail further down the string from Cristina</p> <p>9 Garza to Mr. Villarosa. And it's dated Monday,</p> <p>10 September 18th, 2017. Do you see that?</p> <p>11 A I do.</p> <p>12 Q Had you ever seen this e-mail before?</p> <p>13 A I don't know if I actually had it in my</p> <p>14 inbox, but I do recall the information. I recall</p> <p>15 the -- the narrative. You know, just -- because I</p> <p>16 was -- when this -- you know, when something --</p> <p>17 you know, when we refer to general counsel, you</p> <p>18 know, I'm involved with it, in that, you know,</p> <p>19 I'm -- as the supervisor, I'm informed. So he and</p> <p>20 I would have conversations about it. He would</p> <p>21 keep me updated on -- you know, when we would have</p> <p>22 our one-on-ones, he would keep me updated.</p>

<p style="text-align: right;">Page 66</p> <p>1 So while I couldn't say that I've seen</p> <p>2 this actual e-mail, I can say that I'm aware of</p> <p>3 the narrative in it.</p> <p>4 Q And were you aware -- prior to fall of</p> <p>5 2017, going back to the spring of 2017 and the</p> <p>6 prior semester, were you aware of any issues with</p> <p>7 InterVarsity's registration that spring?</p> <p>8 A No.</p> <p>9 Q Okay. I'm going to move on to another</p> <p>10 e-mail. And that should be there for you in just</p> <p>11 a moment. And this one is stamped WSU001775. Can</p> <p>12 you see that?</p> <p>13 A 775? Uh-huh.</p> <p>14 Q Yes. And this is an e-mail between</p> <p>15 Mr. Villarosa and Ann Beyerlein on --</p> <p>16 A I think you're -- wait. Let me -- no. I</p> <p>17 think you're meaning -- I think you just uploaded</p> <p>18 774. 775 is the one we just went over.</p> <p>19 Q You're right. I see that. Thank you.</p> <p>20 So on -- so looking at the document</p> <p>21 that's Bates stamped WSU001774 --</p> <p>22 A 10/17/2017, 7:13 p m.</p>	<p style="text-align: right;">Page 68</p> <p>1 THE REPORTER: I'm sorry. Please try not</p> <p>2 to speak over each other. Could you please repeat</p> <p>3 the question?</p> <p>4 BY MS. WINDHAM:</p> <p>5 Q Paragraph 2, the request was, "Would it</p> <p>6 be possible to get a letter from the general</p> <p>7 counsel's office clarifying and explaining your</p> <p>8 policy?"</p> <p>9 Do you recall that request?</p> <p>10 A Yes.</p> <p>11 Q And did you discuss it with</p> <p>12 Mr. Villarosa?</p> <p>13 A Well, if I did discuss it, the direction</p> <p>14 would have been to contact general counsel.</p> <p>15 Q But you do not recall whether or not you</p> <p>16 discussed it with Mr. Villarosa?</p> <p>17 A I don't recall, but I know that the</p> <p>18 protocol would be to notify general counsel.</p> <p>19 Q Prior to notifying general counsel, did</p> <p>20 you consult any other sources or materials</p> <p>21 determining whether InterVarsity should be</p> <p>22 registered?</p>
<p style="text-align: right;">Page 67</p> <p>1 Q Yes, that's right.</p> <p>2 A I have it in front of me.</p> <p>3 Q Between Cristina Garza and Mr. Villarosa.</p> <p>4 A Uh-huh.</p> <p>5 Q Had you ever seen this e-mail before?</p> <p>6 A I'm aware of it. There are times where I</p> <p>7 would -- you know, he's just right down the hall</p> <p>8 from me, so -- and you have -- that's how you exit</p> <p>9 the office. So there are times he says, hey,</p> <p>10 dude, come on in; I got to talk to you about</p> <p>11 something. And he'll pull it up on his screen.</p> <p>12 We do that often around here.</p> <p>13 Q And do you remember whether you saw this</p> <p>14 particular e-mail in that way?</p> <p>15 A I don't remember if I saw the particular</p> <p>16 e-mail, but I do -- I do recall the topic and the</p> <p>17 narrative and the request.</p> <p>18 Q And you say you recall the request.</p> <p>19 You're talking about the request to get a letter</p> <p>20 from the general counsel's office --</p> <p>21 A Yeah, paragraph --</p> <p>22 Q -- explaining --</p>	<p style="text-align: right;">Page 69</p> <p>1 A Can you -- can you clarify?</p> <p>2 Q When the issue arose with InterVarsity,</p> <p>3 did you consult any other policies, any other</p> <p>4 sources, any other materials when thinking through</p> <p>5 whether they should be registered?</p> <p>6 A Well, you know, we're familiar with the</p> <p>7 non-discrimination policy. So we may have</p> <p>8 referred to that to recall the exact language,</p> <p>9 although that -- and then if we had that question</p> <p>10 mark, we then called general counsel.</p> <p>11 Q That's your general practice?</p> <p>12 A Yes.</p> <p>13 Q And do you recall specifically with</p> <p>14 regard to this issue with InterVarsity in 2017</p> <p>15 whether you followed that practice?</p> <p>16 A We contacted general counsel, "we" being</p> <p>17 Ricardo did. And just to clarify for you, it's --</p> <p>18 around here, it's not -- you know, we -- we know</p> <p>19 each other, so it's not -- it's not the formality</p> <p>20 that he has to make the request to me and I have</p> <p>21 to make the request to them.</p> <p>22 You know, we have a -- we know that we</p>

<p style="text-align: right;">Page 70</p> <p>1 have a person that's assigned to us for student  2 affairs work. And so we would go to that person.  3 But that person -- and even to this day, doesn't  4 sit on the formality that the request must come  5 from the dean. They know that if someone is  6 coming from the dean of students' office, they'll  7 accept that call. Does that make sense?  8 Q It does.  9 A Yeah.  10 Q And so do you know who made that call or  11 who made that request in 2017?  12 A Ricardo. It's easier for me -- I've  13 called him Ricardo for so many years, calling him  14 Mr. Villarosa is strange. So if it's okay with  15 you, I'm just going to say Ricardo.  16 THE REPORTER: I'm sorry. Please slow  17 down.  18 THE WITNESS: Okay. I grew up in the  19 east. We talk very fast.  20 So I made the -- I call him Ricardo. I  21 just want to say that I'll refer to him as  22 Ricardo. And I did ask him or direct him to call</p>	<p style="text-align: right;">Page 72</p> <p>1 A Yes.  2 MS. WINDHAM: I'd like to have this  3 letter marked as Exhibit 2.  4 (Deposition Exhibit Number 2 was marked  5 for identification.)  6 BY MS. WINDHAM:  7 Q And was there anyone in addition to Sarah  8 Luke at general counsel's office whom you  9 consulted with on this decision or on this issue  10 prior to this letter going out?  11 A I'm not able to answer that. I don't  12 know.  13 Q And so at this time, would it be fair to  14 say that the decision had been made that  15 InterVarsity would not be a recognized student  16 organization?  17 A Yes.  18 Q And who made that decision?  19 A Based on this letter, that was a -- that  20 was the analysis provided to us and, thus, we  21 denied the registration.  22 Q And you say we. Who is we?</p>
<p style="text-align: right;">Page 71</p> <p>1 general counsel.  2 BY MS. WINDHAM:  3 Q And who was it -- it sounds like there's  4 someone in general counsel's office who works with  5 you with regard to student affairs?  6 A Yes.  7 Q And who was that in 2017?  8 A So in this case, the person that did --  9 so there were two people that did the student  10 affairs work. This one was given to Sarah Luke.  11 There's another -- there was another attorney  12 there who has retired, Linda Galante. But Sarah  13 Luke worked closely with Linda. And so those  14 would be the two that we would go to. Typically,  15 we went to Linda with behavioral issues and  16 questions, conduct.  17 Q So I just added a document to the folder.  18 This is WSU001716.  19 A Okay. Got it.  20 Q And do you recognize this letter?  21 A I do. I was copied on it.  22 Q And so you've seen it before?</p>	<p style="text-align: right;">Page 73</p> <p>1 A Ricardo made -- Ricardo is the  2 communicator of it, but I take responsibility for  3 my employees.  4 Q So you take responsibility for the  5 decision not to recognize InterVarsity?  6 A I think we can say that.  7 Q And you mentioned consulting with counsel  8 of course and consulting with Mr. Villarosa. Was  9 there anybody else you consulted with before  10 making that decision?  11 A No.  12 Q I have another letter that I believe  13 you've also seen. Give me just a moment and I  14 will upload that. Okay. So I'm going to first  15 open WSU001715.  16 A Yep.  17 Q And do you recognize this e-mail?  18 A Yes.  19 Q Have you seen this before?  20 A Yes.  21 Q And you were copied on this?  22 A Yes.</p>

<p style="text-align: right;">Page 74</p> <p>1 MS. WINDHAM: I'd like to have this</p> <p>2 marked as Exhibit 3.</p> <p>3 (Deposition Exhibit Number 3 was marked</p> <p>4 for identification.)</p> <p>5 BY MS. WINDHAM:</p> <p>6 Q And this e-mail is from Tom Lin at</p> <p>7 InterVarsity USA; is that correct?</p> <p>8 A Oh, you're asking me? Yes. I thought</p> <p>9 you were entering it as the record.</p> <p>10 Yes, this is from President Tom Lin,</p> <p>11 president/CEO. InterVarsity Christian Fellowship,</p> <p>12 to President Wilson, university president.</p> <p>13 BY MS. WINDHAM:</p> <p>14 Q And then I'm also going to open</p> <p>15 WSU001717.</p> <p>16 A Uh-huh.</p> <p>17 Q Do you see that?</p> <p>18 A Yes.</p> <p>19 Q And that is a letter from Tom Lin to</p> <p>20 President Wilson?</p> <p>21 A Yes.</p> <p>22 Q Do you recognize this letter?</p>	<p style="text-align: right;">Page 76</p> <p>1 A No.</p> <p>2 Q Did you discuss this letter with anyone</p> <p>3 else?</p> <p>4 A No.</p> <p>5 Q Did you discuss it with general counsel?</p> <p>6 A Yes.</p> <p>7 Q And was anyone else present for that</p> <p>8 discussion?</p> <p>9 A It wasn't a -- I don't recall an</p> <p>10 in-person discussion. It was just, you know,</p> <p>11 Sarah Luke knowing that we also received and read</p> <p>12 the material.</p> <p>13 Q So was it a phone call? An e-mail?</p> <p>14 A I don't remember.</p> <p>15 Q After receiving this letter, did you</p> <p>16 reconsider your decision not to recognize</p> <p>17 InterVarsity as a student organization?</p> <p>18 A The letter went to the president of the</p> <p>19 university and we did not -- I know that, you</p> <p>20 know, we did -- this letter was dated</p> <p>21 November 27th. A decision was made to -- to</p> <p>22 permit their registration. I do not recall the</p>
<p style="text-align: right;">Page 75</p> <p>1 A Yes.</p> <p>2 Q And this is the letter that was attached</p> <p>3 to the e-mail that we had just discussed as</p> <p>4 Exhibit 3, correct?</p> <p>5 A Yes.</p> <p>6 MS. WINDHAM: I'd like to have this</p> <p>7 marked as Exhibit 4.</p> <p>8 (Deposition Exhibit Number 4 was marked</p> <p>9 for identification.)</p> <p>10 BY MS. WINDHAM:</p> <p>11 Q After you received this e-mail and this</p> <p>12 letter, what did you do?</p> <p>13 A Notify -- notified general counsel.</p> <p>14 General counsel was aware that we received it by</p> <p>15 noting who is cc'd on the letter. So we</p> <p>16 acknowledge that we -- to general counsel that we</p> <p>17 received the e-mail, but general counsel is also</p> <p>18 aware that we received the e-mail because we were</p> <p>19 copied on it.</p> <p>20 Q And other than notifying general counsel,</p> <p>21 did you take any other steps after receiving this</p> <p>22 letter?</p>	<p style="text-align: right;">Page 77</p> <p>1 exact date of that permission to be -- to be</p> <p>2 registered.</p> <p>3 Q Did you have any discussions with anybody</p> <p>4 in the president's office regarding this letter?</p> <p>5 A No.</p> <p>6 Q Did you -- skip over that for now.</p> <p>7 The letter mentions other universities</p> <p>8 and experiences there. It mentions University of</p> <p>9 Michigan and Michigan State. After receiving this</p> <p>10 letter, at any point did you consult with policies</p> <p>11 that are in place at University of Michigan or</p> <p>12 Michigan State?</p> <p>13 A I don't remember.</p> <p>14 Q Did you -- so you said that after -- at</p> <p>15 some point after this letter was received, the</p> <p>16 decision was made to grant registration to</p> <p>17 InterVarsity. About what time was that decision</p> <p>18 made to grant registration to InterVarsity?</p> <p>19 A I don't remember the exact calendar. I</p> <p>20 would have to go back and review.</p> <p>21 Q Was it in December of 2017?</p> <p>22 A I don't remember.</p>



<p style="text-align: right;">Page 78</p> <p>1 Q Was it in January of 2018?</p> <p>2 A I don't remember.</p> <p>3 Q Was it in February of 2018?</p> <p>4 A I don't remember.</p> <p>5 Q Was it in March of 2018?</p> <p>6 A Well, it was sometime in that period,</p> <p>7 because I know that they were permitted to reserve</p> <p>8 space. I don't have it right in front of me, but</p> <p>9 I do remember that they were provided the RSO</p> <p>10 status.</p> <p>11 Q And was the decision to provide that</p> <p>12 status made before or after the lawsuit was filed?</p> <p>13 A I don't remember. I'd have to go back</p> <p>14 and look at the material.</p> <p>15 Q Prior to this issue coming up in 2017,</p> <p>16 had you ever received any complaints about</p> <p>17 InterVarsity?</p> <p>18 A Not that I recall.</p> <p>19 Q Had you ever received any complaints</p> <p>20 about its leadership policies?</p> <p>21 A Not that I recall.</p> <p>22 Q Were you made aware of any concerns over</p>	<p style="text-align: right;">Page 80</p> <p>1 decision to grant registered status to</p> <p>2 InterVarsity?</p> <p>3 A I don't recall.</p> <p>4 Q Who did you consult on the decision to</p> <p>5 grant registered status to InterVarsity?</p> <p>6 A Office of general counsel.</p> <p>7 Q Was there anyone other than the office of</p> <p>8 general counsel that you consulted on that</p> <p>9 decision?</p> <p>10 A Not that I recall.</p> <p>11 Q On March 6th -- I want to move us forward</p> <p>12 a little bit to March 6th, 2018. That is the date</p> <p>13 that InterVarsity filed its complaint in this</p> <p>14 lawsuit. How did you become aware of this</p> <p>15 lawsuit?</p> <p>16 A I believe I received it. I don't</p> <p>17 remember if I -- I don't recall the -- the notice,</p> <p>18 you know, of when I was served. I'm not an</p> <p>19 attorney, so I will -- may not be -- may not be</p> <p>20 using the right terminology, but I was named in it</p> <p>21 and, thus, I did receive it.</p> <p>22 Q And so -- when you say you received it,</p>
<p style="text-align: right;">Page 79</p> <p>1 InterVarsity's leadership policies? And when I</p> <p>2 say that, I'm asking you whether anyone else in</p> <p>3 your office had raised any concerns regarding</p> <p>4 InterVarsity's leadership policies prior to 2017.</p> <p>5 A Not that I recall.</p> <p>6 Q And so when InterVarsity was granted</p> <p>7 recognized status, who made that decision?</p> <p>8 A It's my responsibility to for registered</p> <p>9 student organizations. So it was my</p> <p>10 responsibility. It's my responsibility to grant</p> <p>11 registered status.</p> <p>12 Q So were you the one who made that</p> <p>13 decision to grant registered status to</p> <p>14 InterVarsity?</p> <p>15 A It's my responsibility to grant RSO</p> <p>16 status to student organizations.</p> <p>17 Q And so it's fair to say that you were the</p> <p>18 one who made the decision to grant registered</p> <p>19 status?</p> <p>20 A It's my responsibility to grant</p> <p>21 registered status to student organizations.</p> <p>22 Q Was there anyone else who made the</p>	<p style="text-align: right;">Page 81</p> <p>1 you're talking about the formal legal papers, the</p> <p>2 complaint in this lawsuit?</p> <p>3 A Yes.</p> <p>4 Q And so when you received those papers,</p> <p>5 that was the moment you first became aware of the</p> <p>6 lawsuit?</p> <p>7 A Well, the papers make statement of legal</p> <p>8 proceedings.</p> <p>9 Q Had anyone told you about the lawsuit</p> <p>10 prior to when you received those papers?</p> <p>11 A No, not that I recall.</p> <p>12 Q When you learned about the lawsuit, who</p> <p>13 did you discuss it with?</p> <p>14 A I told general counsel.</p> <p>15 Q Did you discuss it with anybody else?</p> <p>16 A I might have discussed it with Ricardo</p> <p>17 because he was also in there.</p> <p>18 Q And what did you say in that</p> <p>19 conversation?</p> <p>20 A There's a lawsuit.</p> <p>21 Q And what else?</p> <p>22 A There's a lawsuit. We receive a lawsuit,</p>

<p style="text-align: right;">Page 82</p> <p>1 there's no conversation. It goes to general  2 counsel as our general counsel for the university.  3 Q And what did Mr. Villarosa say to you  4 about the lawsuit?  5 A Nothing. At a point in time where we're  6 served a lawsuit, we -- we then take all further  7 direction from general counsel. We're not  8 attorneys. They represent us. Well, he's an  9 attorney, but he's not an attorney in this -- in  10 this role, he is not -- he's not an attorney. So  11 we refer it to general counsel.  12 Q Was there anybody other than  13 Mr. Villarosa that you discussed this with when  14 you learned about the lawsuit?  15 A I might have, you know, shared -- I have  16 had so many different supervisors. They are  17 aware, but they know that it goes to general  18 counsel.  19 Q Do you recall any specific conversations  20 that you had with people other than general  21 counsel?  22 A No. No. It's a lawsuit, and at a point</p>	<p style="text-align: right;">Page 84</p> <p>1 others in your office?  2 A You know, we -- we communicate the -- we  3 communicate that they are now a registered student  4 organization. There's not an announcement that --  5 you know, we don't go into a staff meeting, for  6 example, to state who is -- who has -- who are our  7 RSOs. We have a -- we have a real-time list on  8 our -- well, give it 24, 48-hour real-time list on  9 our website of RSOs. So if you were to go in  10 there today, you would see the ones that have been  11 registered from -- who have -- probably -- who  12 have applied for registration probably through  13 about, you know, Monday of this week, Tuesday of  14 this week. So it would be uploaded there so that  15 people could see who the registered student  16 organizations are.  17 But there's no announcement to my office  18 of, you know, InterVarsity Christian Fellowship is  19 now a registered student organization.  20 Q Who would have been responsible for  21 making that change on the website?  22 A So Heather Marks was with us at the time.</p>
<p style="text-align: right;">Page 83</p> <p>1 in time where there's a lawsuit, we don't have any  2 further conversation about the lawsuit because  3 it's -- because it is a lawsuit, we refer to  4 general counsel and then we take all further  5 direction from general counsel. So, you know,  6 kind of the handoff. We get the lawsuit. General  7 counsel. We wait for their direction.  8 Q And on March 8th, 2018, InterVarsity was  9 informed it would be reinstated as a  10 recognized [sic] student organization. You were  11 the one who made the decision to reinstate them?  12 A Yes.  13 Q And who did you consult with in making  14 that decision?  15 A General counsel.  16 Q Why did you make that decision?  17 A I don't recall.  18 Q Did you consult any sources, either  19 people or written sources, other than general  20 counsel when you made that decision?  21 A No.  22 Q How was that decision communicated to</p>	<p style="text-align: right;">Page 85</p> <p>1 I believe Heather was still here. You know, being  2 here this long, you sometimes wonder when people  3 come and go. But it would have been -- it was  4 Heather who was in that role. So I'd say, please,  5 you know, add this to the list.  6 Q And do you recall --  7 A It all -- the way that it works is --  8 THE REPORTER: I'm sorry. The last thing  9 I have is, "so please add this to the list."  10 THE WITNESS: Okay. Great.  11 So what happens is -- the way the system  12 works is that when you -- when it's registered, it  13 populates into the list. But Heather will -- if  14 there's a -- if for some reason we don't see it,  15 she double-checks.  16 BY MS. WINDHAM:  17 Q And how did you communicate to Heather  18 Marks that InterVarsity should be recognized and  19 added to that list?  20 A Well, you know, I don't recall. Again,  21 I'm not an expert on the technical aspects of the  22 product. That would be Heather. But we did go</p>



<p style="text-align: right;">Page 86</p> <p>1 into the system and approve their status. And I</p> <p>2 believe the system then does activate it into the</p> <p>3 list.</p> <p>4 Q And would you have communicated that to</p> <p>5 her verbally, via e-mail, some other way?</p> <p>6 A Well, Ricardo is the individual who can</p> <p>7 go into the system to make the necessary marks,</p> <p>8 you know, clicks to activate the group. And then</p> <p>9 the system puts it right -- once it goes into</p> <p>10 there and it's activated, it feeds into the list.</p> <p>11 Q And so --</p> <p>12 A I would refer -- if there are technical</p> <p>13 questions about how that product works, I'm</p> <p>14 certainly glad to get that information, but I</p> <p>15 think suffice to say that they were registered,</p> <p>16 and when they appear on the list, that is the</p> <p>17 public facing of list of registered student</p> <p>18 organizations.</p> <p>19 Q And you would have also communicated,</p> <p>20 then, to Mr. Villarosa that InterVarsity would be</p> <p>21 registered?</p> <p>22 A That's correct.</p>	<p style="text-align: right;">Page 88</p> <p>1 the same today as they were in 2017, is it your</p> <p>2 view that InterVarsity is still in violation of</p> <p>3 Wayne State's non-discrimination policy?</p> <p>4 A Students and student organizations are</p> <p>5 expected to comply with all university policies.</p> <p>6 Q Is it your view that InterVarsity is in</p> <p>7 violation of the non-discrimination policy today?</p> <p>8 A If their materials read that it is</p> <p>9 determined that they are not following the</p> <p>10 university non-discrimination policy, then one</p> <p>11 could conclude -- or one could deduce that they</p> <p>12 are not complying with the university's</p> <p>13 non-discrimination policy.</p> <p>14 Q And you determined in 2017 that they were</p> <p>15 not in compliance with the university's</p> <p>16 non-discrimination policy?</p> <p>17 A The letter from general counsel that you</p> <p>18 showed earlier does state that.</p> <p>19 Q And if InterVarsity has the same</p> <p>20 leadership policy today that it had in 2017, are</p> <p>21 they in violation of the university's</p> <p>22 non-discrimination policy?</p>
<p style="text-align: right;">Page 87</p> <p>1 Q And how did you communicate that to him?</p> <p>2 A Verbally.</p> <p>3 Q And what else was said in that</p> <p>4 conversation?</p> <p>5 A I don't recall.</p> <p>6 Q And what did he say to you in that</p> <p>7 conversation?</p> <p>8 A Okay.</p> <p>9 Q Anything else?</p> <p>10 A I don't recall. And I don't know</p> <p>11 verbatim it was "okay," but it -- register them.</p> <p>12 They were registered.</p> <p>13 Q And so InterVarsity was not recognized</p> <p>14 because they'd been determined to be in violation</p> <p>15 of the university's non-discrimination policy,</p> <p>16 correct?</p> <p>17 A Yes.</p> <p>18 Q Is it your view that they are still in</p> <p>19 violation of the university's non-discrimination</p> <p>20 policy?</p> <p>21 A I'd have to review their documents.</p> <p>22 Q If their leadership qualifications are</p>	<p style="text-align: right;">Page 89</p> <p>1 MR. PAUWELS: Asked and answered.</p> <p>2 MS. WINDHAM: It hasn't been answered.</p> <p>3 BY MS. WINDHAM:</p> <p>4 Q You may answer.</p> <p>5 A We could allege that they are in</p> <p>6 violation, but they are afforded the opportunity</p> <p>7 to explain their position.</p> <p>8 Q Is it your allegation that they are not</p> <p>9 in compliance?</p> <p>10 A Do you have a document to present that</p> <p>11 explains their procedures?</p> <p>12 Q I am asking you your opinion; if their</p> <p>13 policy today is the same as it was in 2017, would</p> <p>14 your allegation be that they are not in</p> <p>15 compliance?</p> <p>16 A My allegation would be that I would</p> <p>17 present the question that I would believe that</p> <p>18 they are not following the university's</p> <p>19 non-discrimination policy.</p> <p>20 Q And you said they would then have an</p> <p>21 opportunity to dispute that in your formal process</p> <p>22 for that?</p>

<p style="text-align: right;">Page 90</p> <p>1 A Well, that's what we went through in  2 2017. So that is that process. I suspect that a  3 student code of conduct charged could be filed,  4 because section 4.19 of the student code of  5 conduct addresses compliance with university  6 policy.  7 Certainly, one does not want to pursue a  8 code of conduct allegation and would prefer to  9 work it out in a collegial manner. But we do have  10 the student code of conduct at our disposal if it  11 was deemed that that would be a route to take.  12 Q And I want to come back to the code of  13 conduct process a little bit later. Since  14 InterVarsity was recognized in 2017, have you  15 received any complaints about the group?  16 A No.  17 Q Prior to 2017, do you recall receiving  18 any complaints about the group?  19 A No.  20 Q Are you aware -- actually, skip over that  21 for the moment.  22 After InterVarsity was recognized in</p>	<p style="text-align: right;">Page 92</p> <p>1 A Well, I would -- I perhaps don't know  2 where you're going with that. So I would say that  3 we do enforce the university's non-discrimination  4 policy, but I guess I can predict what questions  5 may come later, which you will then challenge me  6 back on what I just said.  7 Q So do you apply that policy to all  8 student organizations?  9 A Well, I suspect you may ask a question  10 about gender identity.  11 Q So do you apply that policy to all  12 student organizations?  13 A It depends.  14 Q What does it depend on?  15 A There are some organizations that by --  16 nationally and historically are specific to gender  17 identity.  18 Q So there are exceptions to the policy for  19 gender identity in some cases?  20 A Yes. That's -- I think we can say that.  21 Q Are there exceptions to the policy with  22 regard to sex in some cases?</p>
<p style="text-align: right;">Page 91</p> <p>1 2018, was there any change in the university's  2 non-discrimination policy?  3 A Not that I was -- not that I'm aware of.  4 That's not under my office, but not that I'm aware  5 of.  6 Q And was there any change in how your  7 office applies the university's non-discrimination  8 policy?  9 A No. The office of equal opportunity is  10 the office that is responsible for the  11 university's non-discrimination policy. So we  12 were not -- you know, we follow the policy as it  13 is presented.  14 Q And I know it applies in a lot of  15 different ways across the university. So just  16 speaking with regard to your office's application  17 of it for student organizations, the way you apply  18 it had not changed since March of 2018?  19 A Correct.  20 Q Is the non-discrimination policy enforced  21 across the board with regard to student  22 organizations?</p>	<p style="text-align: right;">Page 93</p> <p>1 A How do you define sex?  2 Q Well, the policy lists both sex and  3 gender identity. And so -- you mentioned gender  4 identity. I'm wondering if there are also  5 exceptions with regard to sex?  6 A Well, I think it defines -- you know, I  7 think we look at it as general identity is how --  8 so sex is what's assigned at birth. Gender  9 identity is how one identifies their gender. So  10 that's why I asked the question about how do you  11 define sex.  12 So if someone was identified at birth as  13 a -- anatomically as a female, but identifies as a  14 male, then that's gender identity. So it doesn't  15 relate to what one was assigned at birth by a  16 physician, or whomever delivered -- or whatever  17 was put on the birth certificate, but how that  18 individual identifies themselves and what gender  19 they identify themselves.  20 Q And are there any exceptions to the  21 policy with regard to race?  22 A No.</p>

<p style="text-align: right;">Page 94</p> <p>1 Q Are there any exceptions to the policy</p> <p>2 with regard to national origin?</p> <p>3 A No.</p> <p>4 Q Are there any exceptions to the policy</p> <p>5 with regard to sexual orientation?</p> <p>6 A No.</p> <p>7 Q Are there any exceptions to the policy</p> <p>8 with regard to religion?</p> <p>9 A No.</p> <p>10 Q So I have a document that I'm going to</p> <p>11 show you, if you'll give me just a minute. This</p> <p>12 is a spreadsheet that should be in your folder,</p> <p>13 WSU006642.</p> <p>14 A Yep.</p> <p>15 Q Are you familiar with this document?</p> <p>16 A Yes. I'm familiar with -- I'm sorry.</p> <p>17 Q Go ahead.</p> <p>18 A I'm familiar that we can produce this</p> <p>19 document, yes. I see lots of documents like this.</p> <p>20 So I would say I'm familiar with the document</p> <p>21 because it's how we get reports.</p> <p>22 Q Who created this document?</p>	<p style="text-align: right;">Page 96</p> <p>1 request?</p> <p>2 A That I don't recall.</p> <p>3 Q Was it sent to you?</p> <p>4 A I don't recall.</p> <p>5 Q I'd like to have this marked as</p> <p>6 Exhibit 5.</p> <p>7 (Deposition Exhibit Number 5 was marked</p> <p>8 for identification.)</p> <p>9 BY MS. WINDHAM:</p> <p>10 Q This report -- I want to direct you to</p> <p>11 line 23 and column V. You'll see that column V</p> <p>12 says, "Eligibility requirements or qualifications</p> <p>13 necessary to run for office."</p> <p>14 A Yeah. I'm going to scroll over there.</p> <p>15 Hold on a second.</p> <p>16 Q Yeah. It takes a minute.</p> <p>17 A Okay. 23. Okay. Okay. I'm there.</p> <p>18 Q All right. And V says, "Eligibility</p> <p>19 requirements or qualifications necessary to run</p> <p>20 for office."</p> <p>21 A I see that.</p> <p>22 Q And line 23 says, "Christian."</p>
<p style="text-align: right;">Page 95</p> <p>1 A So this is a feed that comes from the --</p> <p>2 so when the -- when the student fills out the</p> <p>3 form, the form can then be downloaded and a report</p> <p>4 can be run that the end result is this -- is what</p> <p>5 you have presented here.</p> <p>6 Q And so who in your office created this</p> <p>7 report?</p> <p>8 A So between -- the two individuals that</p> <p>9 would have the technical wherewithal to know how</p> <p>10 to produce that report would be Ricardo and</p> <p>11 Heather. There are -- we identify them as our</p> <p>12 system administrators for that.</p> <p>13 So, you know, Ricardo -- of anybody on</p> <p>14 campus, the two of them know the most about the</p> <p>15 use of that product because we're the -- other</p> <p>16 units use this, because it has a lot of different</p> <p>17 functions, but they're kind of the experts on</p> <p>18 campus for it. So they would know how to -- I</p> <p>19 would not know how to pull that report. I would</p> <p>20 go to Ricardo or Heather and say, can you pull</p> <p>21 this report for me.</p> <p>22 Q And was this report created at your</p>	<p style="text-align: right;">Page 97</p> <p>1 A Yes.</p> <p>2 Q How is this requirement different from</p> <p>3 InterVarsity's requirement?</p> <p>4 MR. PAUWELS: Object to the form and</p> <p>5 foundation to the extent that we're not -- it</p> <p>6 hasn't been clear what time period this document</p> <p>7 is referring to.</p> <p>8 BY MS. WINDHAM:</p> <p>9 Q Directing you to -- before we get to</p> <p>10 that, directing you to -- same thing, line 23. If</p> <p>11 you scroll back over to column B, you will see the</p> <p>12 date of October 3rd, 2018, time stamp 2021.</p> <p>13 A 10/3/2018, 2021?</p> <p>14 Q Yes.</p> <p>15 A I see that, uh-huh.</p> <p>16 Q This is a report from 2018.</p> <p>17 A Okay.</p> <p>18 Q And going back to V on line 23,</p> <p>19 "Eligibility requirements or qualifications</p> <p>20 necessary to run for office: Christian," how is</p> <p>21 this different from InterVarsity's requirements?</p> <p>22 A This was done after the decision was made</p>

<p style="text-align: right;">Page 98</p> <p>1 to register InterVarsity. And, you know, speaking  2 for myself, being in litigation about this topic,  3 that is why that is there.  4 Q And I want to go now to line 30.  5 A Okay. Hold on a second. Okay. Yep, I'm  6 there.  7 Q Just a second. I'm checking on the --  8 which column we're looking for here. So I want  9 you to move over to column W on line 30.  10 A Yep. I'm there.  11 Q It says, "During any election or  12 selection process, the applicants will be asked  13 about their faith, beliefs and views. Qualified  14 applicants may be asked about their willingness to  15 model the chapter's core messages through their  16 behavior so the messages are communicated with  17 integrity."  18 How is this different from InterVarsity's  19 requirements?  20 A There's no proclamation of a specific  21 faith. There's no proclamation of a specific  22 allegiance to a specific faith. One can be --</p>	<p style="text-align: right;">Page 100</p> <p>1 allegiance.  2 Q So if you would agree to support the  3 values, but not necessarily agree to agree with  4 the values, you think that would be a permissible  5 dividing line?  6 A I think that agreement -- one can agree,  7 but not have to specifically proclaim. So does  8 one proclaim their allegiance versus one believes  9 in their values? I may believe in Islamic values,  10 but I -- but not -- and I could be involved in the  11 Muslim Student Association and proclaim my -- and  12 say that, yes, I do believe that there are values  13 I agree with in the Koran, but I'm not proclaiming  14 my allegiance to Allah, and nor would I be  15 excluded from the group for not explaining -- for  16 not proclaiming my allegiance to Allah.  17 Q So a little bit different requirement  18 than what we've just been talking about. I want  19 to take you down to line 40.  20 A Okay.  21 Q We're going to be back here on column V  22 which is, "Eligibility requirements or</p>
<p style="text-align: right;">Page 99</p> <p>1 well, I'll stop there.  2 Q If you move over to column V, you'll see  3 the statement "Alignment requirement: Officers  4 must commit to lead the chapter in a way that is  5 consistent with the mission and faithful to the  6 message of Cru."  7 How does that differ from InterVarsity's  8 requirement?  9 A That's not requiring an allegiance to a  10 faith. I'm Jewish, but I could -- I could say  11 that I -- that I lead in a -- in the -- consistent  12 with the mission and faith of that message. I  13 don't proclaim to the religion, but I can -- I can  14 represent and present my feelings, my mission and  15 faithfulness.  16 Just like one doesn't have -- well, I'm  17 using my own personal example of my personal  18 faith. It doesn't exclude me from participating.  19 It doesn't exclude me from serving as an officer  20 because I'm not proclaiming, but I can certainly  21 support the values. I can support the beliefs,  22 the philosophies without proclaiming my</p>	<p style="text-align: right;">Page 101</p> <p>1 qualifications necessary to run for office."  2 A I'm there.  3 Q And that states, "Must be a dedicated  4 Iraqi student that cares to help grow this  5 organization."  6 Is that in alignment with the  7 non-discrimination statement?  8 A Yes.  9 Q Why is it in alignment?  10 A How does one define themselves as Iraqi?  11 Q So in your opinion, this would not be  12 national origin discrimination?  13 A I believe it complies.  14 Q So I'm going to move down to line 59.  15 And again, I'm looking at column V, "Eligibility  16 requirements for qualifications necessary to run  17 for office."  18 Do you see that?  19 A Yeah. I'm just scrolling down there.  20 Yes, I'm there.  21 Q "He/she must also be Catholic and willing  22 to be present at a majority of events and</p>

<p style="text-align: right;">Page 102</p> <p>1 outings."</p> <p>2 Is that in alignment with the</p> <p>3 non-discrimination policy?</p> <p>4 A Yes.</p> <p>5 Q This is not religious discrimination</p> <p>6 under the non-discrimination policy?</p> <p>7 A It depends on what does it mean to be --</p> <p>8 "must also be Catholic." What does that mean?</p> <p>9 Does that mean that one is baptized? Does that</p> <p>10 mean that one likes to go to church? Does that</p> <p>11 mean that one likes the Catholic values? It</p> <p>12 doesn't proclaim that you must proclaim your</p> <p>13 allegiance to Catholicism.</p> <p>14 Q Do you know whether these groups had been</p> <p>15 recognized student organizations prior to 2018?</p> <p>16 A I can tell you in the case of the</p> <p>17 Newman -- let me scroll over there. One second.</p> <p>18 Q Yeah. That should be 59.</p> <p>19 A Yeah. I'm just -- I'm moving the cursor</p> <p>20 over. So Newman Catholic Center -- Newman</p> <p>21 Catholic Center has been on campus for a long</p> <p>22 time. Sometimes they're registered; sometimes</p>	<p style="text-align: right;">Page 104</p> <p>1 contractual relationship of leasing space in the</p> <p>2 building. That's Newman, Hillel -- HMD, Hillel of</p> <p>3 Metro Detroit, and the Baptist Student Union.</p> <p>4 BY MS. WINDHAM:</p> <p>5 Q And I know Newman Center, as you said, is</p> <p>6 sometimes a recognized -- registered student</p> <p>7 organization; it's sometimes not. Is Hillel a</p> <p>8 registered student organization?</p> <p>9 A No. So Hillel has registered student</p> <p>10 organizations that are advised by Hillel, but the</p> <p>11 word Hillel of Metro Detroit is not a registered</p> <p>12 student organization.</p> <p>13 They have a student organization called</p> <p>14 JSO, Jewish Student Organization. That one stays</p> <p>15 pretty constant in registration. They have</p> <p>16 another one called Students for Israel. That kind</p> <p>17 of comes and goes.</p> <p>18 Q And you mentioned -- I'm sorry, I missed</p> <p>19 the name -- is it Baptist group that also has</p> <p>20 rented space?</p> <p>21 A They have a room that they use weekly.</p> <p>22 They're not nearly as active as it used to be.</p>
<p style="text-align: right;">Page 103</p> <p>1 they're not. It comes and goes. But they're not</p> <p>2 a new organization versus, like, our Iraqi</p> <p>3 organization is newer.</p> <p>4 Q And they have -- don't they have some</p> <p>5 dedicated space in the student center?</p> <p>6 A They rent that space. That is rented by</p> <p>7 the Archdiocese of Detroit.</p> <p>8 Q And how long have they rented that space</p> <p>9 for, do you know?</p> <p>10 A Well, as far back -- I know as far back</p> <p>11 as 1967, '68 when the building -- quick history</p> <p>12 was that the building -- the upper part of this</p> <p>13 building used to be called the Grosberg Religious</p> <p>14 Center.</p> <p>15 THE REPORTER: Used to be called the...</p> <p>16 THE WITNESS: Grosberg --</p> <p>17 G-R-O-S-B-E-R-G. And back when this building was</p> <p>18 built in '67, the religious organizations helped</p> <p>19 build the building and then had that space in the</p> <p>20 building.</p> <p>21 There's only two groups -- I'm sorry --</p> <p>22 three organizations left that still have a</p>	<p style="text-align: right;">Page 105</p> <p>1 It's a room, and they gather once a week for a</p> <p>2 lunch.</p> <p>3 Q Do they --</p> <p>4 A The student center would have more</p> <p>5 details. I just am aware of it.</p> <p>6 Q Are they also a registered student</p> <p>7 organization?</p> <p>8 A You know, I'd have to go look at the</p> <p>9 list. 550 groups, so sometimes I do have to look</p> <p>10 at the list.</p> <p>11 Q Well put.</p> <p>12 A I happen to know Hillel because my son</p> <p>13 works for a Hillel. So I tend to know that.</p> <p>14 Not -- he doesn't work here, at another</p> <p>15 university.</p> <p>16 Q And has Hillel been -- have they had that</p> <p>17 space for about as long as the Newman Catholic</p> <p>18 Center has had their space?</p> <p>19 A Yes. Yes.</p> <p>20 Q And you said that's when the student</p> <p>21 center was built?</p> <p>22 A Yes. Well, the current -- the building</p>

<p style="text-align: right;">Page 106</p> <p>1 that we're in, yes. It was around -- I think it  2 was around '67. I was only three at the time, but  3 yeah. Tom might remember.  4 I gave you a shout-out there, Tom.  5 Q Just a couple more questions and I think  6 we're probably all ready for a lunch break. So  7 talking about -- since 2018, has your office  8 received any complaints about registered student  9 organizations failing to follow the  10 non-discrimination policy?  11 A No. We get -- I will tell you we get  12 spats. Typically, the spat is, why was that  13 person elected president and not me? And there's  14 usually that -- this. But nothing of the  15 non-discrimination policy.  16 Q And you mentioned leadership spats. Are  17 you aware of any complaints with regard to  18 membership where somebody has a complaint against  19 membership issues and the non-discrimination  20 policy?  21 A No. No.  22 MS. WINDHAM: I think that was all I had</p>	<p style="text-align: right;">Page 108</p> <p>1 AFTERNOON SESSION  2 (12:44 p m.)  3 Whereupon,  4 DAVID J. STRAUSS,  5 was called for continued examination, and having  6 been previously duly sworn was examined and  7 testified further as follows:  8 EXAMINATION BY COUNSEL FOR PLAINTIFFS  9 BY MS. WINDHAM:  10 Q So we are back on the record. And  11 Dr. Strauss, do you understand that you are still  12 under oath, just as you were this morning?  13 A Yes.  14 Q So I want to start with -- just follow up  15 on a couple more things that you -- issues that I  16 think you've probably dealt with personally and  17 then we'll move on to some kind of broader policy  18 questions.  19 A Okay.  20 Q Give me just a moment to pull up these  21 e-mails.  22 A I just may continue to eat. I tend to</p>
<p style="text-align: right;">Page 107</p> <p>1 for the moment. So we can go ahead and break for  2 lunch. Want to pick this up again at 12:40?  3 THE WITNESS: That's fine with me.  4 MR. PAUWELS: Yeah, that works.  5 MS. WINDHAM: Okay. Great.  6 (Whereupon, at 11:41 a.m., a lunch recess  7 was taken.)  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22</p>	<p style="text-align: right;">Page 109</p> <p>1 graze throughout the day.  2 Q No problem.  3 Okay. I just put three new exhibits into  4 the marked exhibit folder. And the first one I'm  5 going to look at is WSU005401. Are you able to  6 see that?  7 A Yeah. I had to refresh. When you get a  8 new document, you have to go back and then you  9 have to come back in.  10 Q Okay.  11 A So that is 5401?  12 Q Yes.  13 A You got it. Yes, I have it.  14 Q And do you recognize this document?  15 A Yes, I do.  16 Q And these are some e-mails that you were  17 copied on regarding Diwali fireworks.  18 A Yes.  19 MS. WINDHAM: And I'm going to mark this  20 as Exhibit 6.  21 (Deposition Exhibit Number 6 was marked  22 for identification.)</p>



<p style="text-align: right;">Page 110</p> <p>1 BY MS. WINDHAM:</p> <p>2 Q Is there a Wayne State policy against</p> <p>3 using fireworks on campus?</p> <p>4 A I -- because it involved -- so we have a</p> <p>5 fire marshal for the university. And so I am</p> <p>6 not -- I do not know the exact policy regarding</p> <p>7 fireworks. I would refer you to facilities. But</p> <p>8 I do know that when we have a question like this,</p> <p>9 we will direct it to the appropriate unit.</p> <p>10 Q And would it be fair to say that you help</p> <p>11 student organizations find the right person they</p> <p>12 need to talk to about these kinds of questions?</p> <p>13 A Yes.</p> <p>14 Q And help them -- help to -- would it be</p> <p>15 fair to say you help to facilitate their requests</p> <p>16 in making sure they can carry out their events?</p> <p>17 A I facilitate their requests if they have</p> <p>18 a question that needs answering.</p> <p>19 Q And that includes helping them to put on</p> <p>20 religious ceremonies or events?</p> <p>21 A We assist them with any questions that</p> <p>22 they have regarding any events that they would</p>	<p style="text-align: right;">Page 112</p> <p>1 A I'm just reviewing it.</p> <p>2 Q Sure. Take your time.</p> <p>3 A I am aware of the document. I am cc'd on</p> <p>4 it, on the -- there is one where -- Wednesday,</p> <p>5 December 14th, 2016, 12:39 p m., and I am cc'd on</p> <p>6 that.</p> <p>7 MS. WINDHAM: I'd like to have this</p> <p>8 marked as Exhibit 7.</p> <p>9 (Deposition Exhibit Number 7 was marked</p> <p>10 for identification.)</p> <p>11 BY MS. WINDHAM:</p> <p>12 Q And so this -- these e-mails regard</p> <p>13 NASO -- is that Native American student</p> <p>14 organization?</p> <p>15 A Yes.</p> <p>16 Q And they are seeking approval to carry</p> <p>17 out a smudging ceremony in the student center?</p> <p>18 A Yes.</p> <p>19 Q And you were able to help them get that</p> <p>20 approval?</p> <p>21 A Well, the -- the approval communications</p> <p>22 were with the student center.</p>
<p style="text-align: right;">Page 111</p> <p>1 like to do on campus.</p> <p>2 Q And that sometimes is going to include</p> <p>3 religious events?</p> <p>4 A Depends on how you define -- hard to</p> <p>5 answer that on what is defined as a religious</p> <p>6 event.</p> <p>7 Q Would you consider the Diwali fireworks</p> <p>8 to be a religious event?</p> <p>9 A Well, it notes in this e-mail that it is</p> <p>10 called a festival of Diwali. I am not an expert</p> <p>11 on world religions and their practices.</p> <p>12 Q But the student organization was able to</p> <p>13 have their Diwali festival and have the fireworks</p> <p>14 after this e-mail?</p> <p>15 A Yes.</p> <p>16 Q And I'm going to point you to WSU005404.</p> <p>17 MR. PAUWELS: 5404?</p> <p>18 BY MS. WINDHAM:</p> <p>19 Q Yes.</p> <p>20 A Okay.</p> <p>21 Q Are you familiar with this document?</p> <p>22 Have you seen it before?</p>	<p style="text-align: right;">Page 113</p> <p>1 Q And so did you play any role in helping</p> <p>2 them to get this approval or hold this event,</p> <p>3 facilitate this event?</p> <p>4 A I would refer you to the narrative that's</p> <p>5 in the e-mails.</p> <p>6 Q And I'm now going to point you to 5407.</p> <p>7 A Can I -- one thing real quick.</p> <p>8 Q Certainly.</p> <p>9 A I want to just note it, because you might</p> <p>10 wonder -- because I looked down, and I want to let</p> <p>11 you know that I'm not looking at notes. My</p> <p>12 insulin pump is on my belt. And so if I have to</p> <p>13 check where my blood sugars are at, it -- it tells</p> <p>14 me there. So if you see me eating, it could be</p> <p>15 because my blood sugars are dropping. Because I</p> <p>16 have type I diabetes.</p> <p>17 I just want to -- for the record, so you</p> <p>18 don't think I'm -- what does he keep looking at?</p> <p>19 Okay. It's right here. But it's clicked to my</p> <p>20 belt.</p> <p>21 Q Thank you for noting that. And if you,</p> <p>22 you know, do have any issues or need a break for</p>

<p style="text-align: right;">Page 114</p> <p>1 medical reasons, of course, tell me right away.  2 A Thank you. It's dropping, probably  3 because I walked outside. So it gives me a reason  4 to eat the cake that's in my lunchbag.  5 Okay. So let me go -- I apologize. So  6 can you refer me back to which document you want  7 me to look at?  8 Q WSU005407.  9 A 5407. Okay. I have it here.  10 Q And are you familiar with this document?  11 Have you seen it before?  12 A Well, I am -- no, I do not see my name on  13 any of the "to" or "from" of this document.  14 Q So you're not familiar with it?  15 A I don't see my name on the "to" or "from"  16 on the document.  17 Q We'll move on to the next one.  18 Actually, I think we will move on to some  19 questions about policies and procedures. And let  20 me just pull this document for a moment. You  21 understand that you have been designated by Wayne  22 State to testify regarding policy and procedures</p>	<p style="text-align: right;">Page 116</p> <p>1 some space reduced cost They can apply for  2 funding from the student activity funding board.  3 They can say that they are a registered student  4 organization at Wayne State University. Those are  5 the benefits  6 What about appearing on your website or  7 using --  8 A Oh yes You know yeah Yeah As a  9 registered student organization, they appear on  10 the list of registered student organizations. As  11 a registered student organization, they can  12 seek -- you know, they can come to our office for  13 assistance, but frankly, any student can come to  14 our office for assistance.  15 And do they use either OrgSync or  16 Engage -- and tell me if it's one or the other or  17 both -- as a way of communicating with students?  18 A Well, so, OrgSync became Engage, so it's  19 kind of Coke and Pepsi. So I would just say that,  20 you know, OrgSync just morphed into Engage, so the  21 current product is Engage.  22 So can they use that to communicate with</p>
<p style="text-align: right;">Page 115</p> <p>1 regarding registered student organizations,  2 including all funding, access and benefits made  3 available to such organizations?  4 A Yes.  5 Q All right. I want to ask you some  6 questions on that. I know we've covered a lot of  7 that ground this morning, but I want to make sure  8 that I've got it. And I got my notes out of order  9 in doing that, so sorry about that. Give me just  10 a moment.  11 We talked a little bit this morning about  12 benefits for student organizations. There's the  13 student activities funding, the ability to have  14 free room rentals or room reservations on campus.  15 Is that correct?  16 Space reservations.  17 Q Space reservations.  18 A Some are rooms, but some are outdoor  19 space.  20 Q And what other benefits are made  21 available to student organizations?  22 A So they can reserve space for free or</p>	<p style="text-align: right;">Page 117</p> <p>1 students? Depends on how -- what form of  2 communication you're asking.  3 Q So you know, I would understand that, you  4 know, by appearing on your website, that's a way  5 for them to communicate to students. But I was  6 wondering if there's any, like, messaging  7 capabilities or calendars or any other  8 functionality that they might use for that system  9 as a way to kind of help manage their organization  10 and communicate?  11 A Correct. So a student can inquire -- so  12 the answer is yes.  13 Q And can you describe to me what  14 functionalities they have access to?  15 Yes. Do you want details?  16 Q Yes, please.  17 They -- the product has a calendar  18 resource, so they can post events on the calendar.  19 The product has a resource where a -- where, when  20 listed as a registered student organization, they  21 can list an e-mail address that others can see to  22 write them an e-mail to inquire to the</p>



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1 organization.

2 The product has a -- has a resource

3 similar to like a Facebook group. So members

4 of -- they can permit members of the organization

5 into that group. The closest thing I would

6 compare it to would be like a Facebook group.

7 What they do not have access to is to do

8 an all-student e-mail to the campus student

9 enrollment group.

10 Q Who is able to send those kind of

11 all-student e-mails?

12 A So that is -- that is permission granted

13 by our office of -- our division of computing and

14 information technology.

15 Q And are you aware of any occasions where

16 a student organization would be able to send an

17 all-student e-mail?

18 A No.

1 Q Q And if a student organization is not

2 registered, then they would not receive the

2 benefits of OrgSync or Engage?

2 A That is correct.

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1 Q Are there any other benefits that you

2 provide to student organizations?

3 A They can participate in Festifall. They

4 can participate in student organizations day.

5 They can participate in Winterfest. Those would

6 be the only additional ones to what we mentioned a

7 minute or two ago.

8 Q And how many -- I think we covered this

9 before. You said there are about 550 registered

1 student organizations?

1 A Yes. We ended the 2019-2020 academic

1 year with approximately -- I think it might have

1 been just shy -- I can give you the exact number,

14 but 550.

15 Q And do you have an estimate of what

16 percentage of Wayne State students are involved in

17 student organizations?

18 A No.

19 Q If you took your best guess, what would

20 it be?

21 A I wouldn't be able to give a guess. We

22 don't require rosters, so I wouldn't know.

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1 Q From your perspective, what is the

2 purpose of having registered student organizations

3 at Wayne State University? What do they bring or

4 add to the university?

5 A Opportunity for student involvement.

6 Q Anything else?

7 A Ways for students to get involved in

8 campus, get -- just get involved.

9 Q And what are the benefits for the

10 university if students are more involved on

11 campus?

12 A Well, without giving you a dissertation

13 of what I studied in my doctoral program --

14 Q We only have seven hours.

15 THE REPORTER: I'm sorry. I didn't hear

16 what you said.

17 MS. WINDHAM: I apologize. I was making

18 a joke. I said we don't [sic] have seven hours.

19 THE WITNESS: Or in my case,

20 five-and-a-half years of -- to degree.

21 What -- studies will tell you that

22 student involvement leads to feeling -- to being

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1 connected to campus. And when a student is

2 connected to something or some things or someone

3 on campus, the data will show you that those

4 students retain at a higher rate and graduate at a

5 higher rate.

6 So we always say it's to something or

7 some things. Could be a student organization.

8 Could be an athletic team. Could be doing

9 research with a professor. As long as you're

1 connected, you are more likely to retain and

1 graduate.

1 Q So it sounds like it would be fair to say

1 that's a benefit for the university, for Wayne

1 State, and a benefit for the students as well.

1 A Yes.

1 Q Why is it -- you're thinking about the

1 benefits that Wayne State offers for student

1 organizations, like communications and free or

1 reduced cost-space reservations and Festifall and

2 student organization fairs. Why does the

2 university offer those benefits?

2 A To provide students the opportunity for

<p style="text-align: right;">Page 122</p> <p>1 involvement.</p> <p>2 And do you think having those benefits</p> <p>3 increases student involvement?</p> <p>4 A Yes.</p> <p>5 Q Are there any -- I'm going to ask a</p> <p>6 little bit about Greek groups and clubs -- with</p> <p>7 regard to Greek groups, do they have access to any</p> <p>8 additional or different benefits than other</p> <p>9 registered student organizations?</p> <p>10 A No.</p> <p>11 Q I have a document I want to ask you</p> <p>12 about. It will take just a moment here.</p> <p>13 So I just added WSU001727.</p> <p>14 A Okay.</p> <p>15 Q Do you see that?</p> <p>16 A Yes.</p> <p>17 Q And are you familiar with this document?</p> <p>18 Have you seen it before?</p> <p>19 A No.</p> <p>20 (Discussion held off the record.)</p> <p>21 BY MS. WINDHAM:</p> <p>22 Q So, Dr. Strauss, on 1727 -- you're</p>	<p style="text-align: right;">Page 124</p> <p>1 my cell phone number. They all have it.</p> <p>2 Okay. Thank you for the time. I've read</p> <p>3 it. So thank you for allowing that. So if you</p> <p>4 want to proceed with your questions.</p> <p>5 Q Thanks. I just wanted to know what the</p> <p>6 purpose of this report was or what it was going to</p> <p>7 be used for.</p> <p>8 A I could only note what is listed in the</p> <p>9 e-mail communications.</p> <p>10 Q And do you have any knowledge beyond</p> <p>11 what's listed in the e-mail?</p> <p>12 A HLC stands for Higher Learning</p> <p>13 Commission. It's our accreditation body.</p> <p>14 Q And so would this report be something</p> <p>15 regarding accreditation?</p> <p>16 A Perhaps. I would have to refer you to</p> <p>17 the office that is responsible for accreditation.</p> <p>18 Q I want to talk -- I had a couple of</p> <p>19 follow-up questions about the approval process for</p> <p>20 student organizations. What are different tiers</p> <p>21 of approval, or student group tiers?</p> <p>22 A We don't have those anymore. We</p>
<p style="text-align: right;">Page 123</p> <p>1 familiar with this document?</p> <p>2 A Yes.</p> <p>3 Q And you've seen it before?</p> <p>4 A Yes.</p> <p>5 Q So it's an e-mail string and -- between</p> <p>6 you and some others and Donna -- Dauphinais?</p> <p>7 Dauphinais?</p> <p>8 A Close enough. Dauphinais.</p> <p>9 Q Okay. Dauphinais, thank you.</p> <p>10 And what is -- what is her position at</p> <p>11 the university?</p> <p>12 A She is no longer at the university, but</p> <p>13 at the time -- it is noted there on her signature.</p> <p>14 Q So she worked on institutional</p> <p>15 accreditation and compliance?</p> <p>16 A Yes.</p> <p>17 Q And she was asking you for a report on</p> <p>18 student organizations. Do you know what the</p> <p>19 purpose of that report was?</p> <p>20 A Can I take a second to read the e-mail?</p> <p>21 Q Certainly.</p> <p>22 A Thanks for redacting my e-mail -- I mean</p>	<p style="text-align: right;">Page 125</p> <p>1 experimented with tiers based on numbers of</p> <p>2 students in the registration process, but it did</p> <p>3 not -- and it was something that OrgSync provides</p> <p>4 back then. But we quickly, within the first</p> <p>5 semester of it being in place, disbanded it</p> <p>6 because it was -- we tried something. It didn't</p> <p>7 work. We disbanded it.</p> <p>8 Q Makes sense.</p> <p>9 A Yeah. I mean, you know, I always tell my</p> <p>10 staff, try, you got to learn. But we were getting</p> <p>11 feedback that it was confusing for students, so we</p> <p>12 said, no, scrap it, just go back to the regular.</p> <p>13 Q Was there any difference in benefits or</p> <p>14 access if you were in a different tier group?</p> <p>15 A It related to funding, to receiving</p> <p>16 funding from the student activity funding board.</p> <p>17 But we -- as I said, we --</p> <p>18 THE REPORTER: I'm sorry. Receiving</p> <p>19 funding...</p> <p>20 THE WITNESS: I'm sorry. Receiving</p> <p>21 funding from the student activity funding board.</p> <p>22 But we disbanded -- we disbanded the rule</p>

<p style="text-align: right;">Page 126</p> <p>1 so that it didn't -- no one ever had an ill effect</p> <p>2 of that.</p> <p>3 BY MS. WINDHAM:</p> <p>4 Q And when did you -- you said that that</p> <p>5 happened within the space of one semester, more or</p> <p>6 less. And do you remember what semester that was?</p> <p>7 A It was a fall semester. I'd have to -- I</p> <p>8 don't recall which -- I'd have to dust off, but it</p> <p>9 was a fall semester.</p> <p>10 Q How do students join student</p> <p>11 organizations?</p> <p>12 A Sorry. My meters are beeping on me. Can</p> <p>13 you please repeat that?</p> <p>14 Q How do students join student</p> <p>15 organizations?</p> <p>16 A They can inquire by student</p> <p>17 organizations. Of course we -- Festifall, student</p> <p>18 organizations day, Winterfest. They inquire to</p> <p>19 the student organization through seeing the list</p> <p>20 on the website. Student organizations may hang</p> <p>21 fliers around campus. Student organizations may</p> <p>22 voice recruit, you know, hey, I have a friend</p>	<p style="text-align: right;">Page 128</p> <p>1 you about that a little bit more and get the</p> <p>2 exhibit in front of us.</p> <p>3 Okay. So I've just added WSU001371.</p> <p>4 A Yes.</p> <p>5 Q And this -- are you familiar with this</p> <p>6 document?</p> <p>7 A Yes.</p> <p>8 Q And this is the Wayne State</p> <p>9 non-discrimination policy?</p> <p>10 A Non-discrimination and affirmative action</p> <p>11 policy.</p> <p>12 Q Yes.</p> <p>13 MS. WINDHAM: I would like to have this</p> <p>14 marked as Exhibit 8.</p> <p>15 (Deposition Exhibit Number 8 was marked</p> <p>16 for identification.)</p> <p>17 BY MS. WINDHAM:</p> <p>18 Q And obviously, you -- well, I say</p> <p>19 obviously. As we've discussed, you considered</p> <p>20 this policy with regard to student organizations?</p> <p>21 A Yes.</p> <p>22 Q And does the policy make any specific</p>
<p style="text-align: right;">Page 127</p> <p>1 that -- would you like to come with me to this --</p> <p>2 to join this group?</p> <p>3 They will have what we call info tables</p> <p>4 in the student center where they'll have a table</p> <p>5 for a day and students will stop by and sign up.</p> <p>6 They might see a post on social media about a</p> <p>7 group. They might follow a group on social media.</p> <p>8 Q Are you aware of any organizations,</p> <p>9 student organizations, that are active on campus</p> <p>10 that are not currently registered?</p> <p>11 A No.</p> <p>12 Q And so when a student wants to join an</p> <p>13 organization, does the organization itself decide</p> <p>14 how students join or who they're going to accept</p> <p>15 as members?</p> <p>16 A Yes.</p> <p>17 Q And that's going to vary from</p> <p>18 organization to organization?</p> <p>19 A Yes.</p> <p>20 Q All right. So I'm going to move on to --</p> <p>21 I know we've talked a bit about the</p> <p>22 non-discrimination policy, but I want to talk to</p>	<p style="text-align: right;">Page 129</p> <p>1 reference to student organizations?</p> <p>2 A Can you restate that?</p> <p>3 Q Does the policy make any reference to</p> <p>4 student organizations?</p> <p>5 A I don't see those words in it.</p> <p>6 Q And does it say anything specific about</p> <p>7 the membership criteria of student organizations?</p> <p>8 A It doesn't say student organizations, but</p> <p>9 section 2.28.01.010 speaks to all operations,</p> <p>10 employment opportunities, educational programs and</p> <p>11 related activities.</p> <p>12 Q And so you understand that to apply to</p> <p>13 student organizations and their membership</p> <p>14 decisions?</p> <p>15 A Yes.</p> <p>16 Q And do you understand that to apply to</p> <p>17 student organizations and their leadership</p> <p>18 decisions?</p> <p>19 A Yes.</p> <p>20 Q If a student organization wants to form</p> <p>21 around enhancing a specific moral or ethical</p> <p>22 principle, are they able to do that?</p>

<p style="text-align: right;">Page 130</p> <p>1 A Yes.</p> <p>2 Q Can they require that their leaders</p> <p>3 commit to advance that moral or ethical principle?</p> <p>4 A Can you say that again?</p> <p>5 Q If a student organization wants to</p> <p>6 require its leaders to commit to advance a</p> <p>7 particular moral or ethical principle, can the</p> <p>8 organization do that?</p> <p>9 MR. PAUWELS: Objection. Form and</p> <p>10 foundation.</p> <p>11 BY MS. WINDHAM:</p> <p>12 Q Does the -- let me rephrase that.</p> <p>13 The non-discrimination policy does not</p> <p>14 prohibit a group from forming around certain moral</p> <p>15 or ethical principles?</p> <p>16 A Yes.</p> <p>17 Q And --</p> <p>18 A That's correct.</p> <p>19 Q And so the non-discrimination policy does</p> <p>20 not prohibit a group from requiring that its</p> <p>21 leaders advance certain moral or ethical</p> <p>22 principles?</p>	<p style="text-align: right;">Page 132</p> <p>1 that hold the same values that the College</p> <p>2 Democrats hold?</p> <p>3 A Correct.</p> <p>4 Q And can they choose student group -- can</p> <p>5 they -- let me rephrase.</p> <p>6 Can they require that their student group</p> <p>7 leaders advocate for progressive causes?</p> <p>8 A Any student that joins the student</p> <p>9 organization has the opportunity to run for an</p> <p>10 office.</p> <p>11 Q And can they require that their officers</p> <p>12 advocate for progressive causes?</p> <p>13 A They can require that the student leaders</p> <p>14 support the mission and objectives of the student</p> <p>15 organization.</p> <p>16 Q Can they require that the student leaders</p> <p>17 agree with the mission and objectives of the</p> <p>18 organization?</p> <p>19 A No.</p> <p>20 Q So the College Democrats cannot require</p> <p>21 that their student leaders agree with the goals of</p> <p>22 their organization?</p>
<p style="text-align: right;">Page 131</p> <p>1 A Yes. That's correct.</p> <p>2 Q And the non-discrimination policy does</p> <p>3 not prohibit a group from requiring that its</p> <p>4 leaders agree with certain moral or ethical</p> <p>5 principles?</p> <p>6 A Can you state that again?</p> <p>7 Q The non-discrimination policy does not</p> <p>8 prohibit a group from requiring that its leaders</p> <p>9 agree with certain moral or ethical principles; is</p> <p>10 that correct?</p> <p>11 MR. PAUWELS: I'm going to object to the</p> <p>12 form and foundation.</p> <p>13 BY MS. WINDHAM:</p> <p>14 Q You can answer.</p> <p>15 A I'm still trying to understand it so I</p> <p>16 can give you a sufficient answer.</p> <p>17 Q So let me give you a concrete example.</p> <p>18 The Wayne State University College Democrats,</p> <p>19 they're allowed to advocate more progressive</p> <p>20 causes, correct?</p> <p>21 A Yes, correct.</p> <p>22 Q And they can work to elect candidates</p>	<p style="text-align: right;">Page 133</p> <p>1 A No. They can -- student leaders --</p> <p>2 students join an organization for the goals and</p> <p>3 mission of the organization. And they run for a</p> <p>4 leadership position because they want to be a</p> <p>5 leader in that organization.</p> <p>6 But in your example, they would not say</p> <p>7 that one needs to align themselves with a</p> <p>8 particular candidate in that particular party that</p> <p>9 you're referring to, the College Dems.</p> <p>10 Q So there's a registered organization, the</p> <p>11 Wayne State Young Democratic Socialists. Lists</p> <p>12 its goal as defending immigrants, divesting for</p> <p>13 fossil fuels and supporting anti-poverty work. It</p> <p>14 required that its leaders agree with defending</p> <p>15 immigrants, divesting for fossil fuels and</p> <p>16 supporting anti-poverty work.</p> <p>17 A I think I'm having a challenge thinking</p> <p>18 about how you're saying "agree." Do they sign on</p> <p>19 a document? Do they stand up and profess?</p> <p>20 Q If they asked the leaders to sign a</p> <p>21 document saying that they agree --</p> <p>22 THE REPORTER: I'm sorry. If they</p>

<p style="text-align: right;">Page 134</p> <p>1 asked...</p> <p>2 BY MS. WINDHAM:</p> <p>3 Q If they asked the leaders to sign a</p> <p>4 document saying that they agree with those goals,</p> <p>5 would the organization be allowed to that?</p> <p>6 A I'm sorry, can you say that last</p> <p>7 sentence?</p> <p>8 Q Would the organization be allowed to do</p> <p>9 that?</p> <p>10 A If that was brought to my attention, I</p> <p>11 would consult with general counsel.</p> <p>12 Q Would doing so be in violation of the</p> <p>13 non-discrimination policy?</p> <p>14 A I would have to consult with general</p> <p>15 counsel.</p> <p>16 Q And is it your opinion that it would</p> <p>17 violate the non-discrimination policy?</p> <p>18 A It's not -- it's not to talk of my</p> <p>19 opinion. It's what is my role in the policies --</p> <p>20 in upholding the policies and procedures of the</p> <p>21 institution. And, thus, if I had a question about</p> <p>22 how I would uphold those, I will seek counsel from</p>	<p style="text-align: right;">Page 136</p> <p>1 student organizations ask their members to agree</p> <p>2 with certain policies?</p> <p>3 A I do not.</p> <p>4 Q I'm going to take just a moment and pull</p> <p>5 up a couple more documents.</p> <p>6 A Sure.</p> <p>7 (Pause in the proceedings.)</p> <p>8 THE WITNESS: Can I just do something</p> <p>9 real quick?</p> <p>10 BY MS. WINDHAM:</p> <p>11 Q Certainly. I apologize. I'm having a</p> <p>12 little bit of trouble getting everything in order.</p> <p>13 A No. I -- I took a second to look at my</p> <p>14 text messages, and if I don't tap this, then my</p> <p>15 daughter will be very mad at me because her</p> <p>16 off-campus house next year will not have Internet</p> <p>17 when they move in.</p> <p>18 Q I appreciate the explanation.</p> <p>19 A Dealing with that will be more difficult</p> <p>20 than a deposition, especially when all the classes</p> <p>21 are online. She goes to Michigan State, and</p> <p>22 they're all online too.</p>
<p style="text-align: right;">Page 135</p> <p>1 general counsel.</p> <p>2 Q And you were designated to speak to the</p> <p>3 university's policies today?</p> <p>4 A I believe so.</p> <p>5 Q And you're able to speak to those</p> <p>6 policies?</p> <p>7 A Yes.</p> <p>8 Q You understand and apply those policies</p> <p>9 in your day-to-day work?</p> <p>10 A To the best of my ability.</p> <p>11 Q And so would it violate the</p> <p>12 non-discrimination policy for a political group to</p> <p>13 ask that its leaders agree with certain political</p> <p>14 statements?</p> <p>15 A I believe so. But before I made that</p> <p>16 ruling to take action on a group, I would seek</p> <p>17 clarification from general counsel.</p> <p>18 Q Do you know whether any registered</p> <p>19 student organizations on campus ask their leaders</p> <p>20 to agree with certain policies?</p> <p>21 A I do not.</p> <p>22 Q Do you know whether any registered</p>	<p style="text-align: right;">Page 137</p> <p>1 Okay. Cool. Thank you.</p> <p>2 Q Thank you. So sorry about that. I</p> <p>3 finally got my documents sorted out. I just added</p> <p>4 to the folder WSU001838.</p> <p>5 A Okay. I'll take a look. Yep.</p> <p>6 Q Have you seen this document before?</p> <p>7 A It's pulling up here.</p> <p>8 No.</p> <p>9 Q You're not familiar with the document?</p> <p>10 A I see lots of, you know, spreadsheets</p> <p>11 that -- of registered student organization</p> <p>12 material. So I couldn't speak to seeing this</p> <p>13 specific -- particular one.</p> <p>14 Q This is a document that you produced to</p> <p>15 us as part of the litigation. Do you know why it</p> <p>16 was produced?</p> <p>17 A I do not.</p> <p>18 Q So I want to ask you a few questions</p> <p>19 about Greek organizations. I say Greek; I'm</p> <p>20 saying that to mean social fraternities and</p> <p>21 sororities. I know there are also honor societies</p> <p>22 using Greek letters.</p>

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1 What is your role with regard to Greek  
2 organizations on campus?  
3 A Social fraternities and sororities are  
4 registered student organizations.  
5 Q And is the registration process for them  
6 any different than it is for any other student  
7 organizations?  
8 A No.  
9 Q So it's done annually, and it's done  
10 through OrgSync or Engage?  
11 A Yes.  
12 Q And you -- I'll skip that.  
13 Are Greek organizations exempt from the  
14 non-discrimination policy?  
15 A No.  
16 Q Are they allowed to discriminate  
17 according to sex?  
18 A They -- social Greek organizations have a  
19 long-standing and historical -- what's the word  
20 I'm looking for? -- long-standing and historical  
21 position as gender-based organizations.  
22 Q Are they allowed to select members based

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1 on sex?  
2 A Fraternities were established for those  
3 who identify male; sororities were established for  
4 those who identify as female. Of the social  
5 Greeks. There are co-educational organizations,  
6 but those are what we call professional and honor  
7 societies.  
8 Q And the social Greeks are allowed to  
9 limit their membership based upon sex?  
10 A Based upon gender identity.  
11 Q And how would you define the distinction  
12 between sex discrimination -- well, I won't say  
13 discrimination, but between limitations based on  
14 sex and limitations based on gender identity?  
15 A Sex is assigned at birth, not by the  
16 individual. Gender identity is what the  
17 individual identifies as their gender. There are  
18 many, many forms of gender identity. Identifying  
19 one as male or one as female is based on assumed  
20 anatomical parts. Gender identity is what's here.  
21 So if one identifies male, they may  
22 anatomically not have the physiological [sic]

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1 construction that society assumes is male, but  
2 they identify male and, thus, would want to or be  
3 eligible to join a fraternity.  
4 Q And so fraternities -- social  
5 fraternities can limit their membership to those  
6 who identify as male?  
7 A Yes.  
8 Q And social sororities can limit their  
9 membership to those who identify as female?  
10 A Yes.  
11 Q But they would go with the student's  
12 gender identity rather than their sex assigned at  
13 birth?  
14 A It depends on -- I mean -- kind of. You  
15 know, it's how does the individual -- you know,  
16 it's how does the individual identify their  
17 gender. You know, we don't have the seven hours  
18 to talk about the history of how this all came  
19 about and society and student -- and -- in society  
20 and then in a microcosm in fraternities and  
21 sororities. But I would say that, you know, as --  
22 if you think back to when I was in a fraternity,

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1 you know, 35 years ago, it was a different  
2 conversation than the society we're in now.  
3 And so as we change with the times,  
4 gender identity is how one identifies how they  
5 want to affiliate in this particular setting of a  
6 fraternity or -- a social fraternity or sorority.  
7 Q And so if a sorority said, we -- we're  
8 going to limit our membership to women and we're  
9 going to decide, you know -- we'll make the  
10 determination about women based on your sex  
11 assigned at birth rather than your gender  
12 identity, would that be a violation of the  
13 non-discrimination policy?  
14 A Yes.  
15 Q Why are -- well, before I ask why, where  
16 is the exemption written down that would allow  
17 Greek groups to limit their membership based on  
18 gender identity?  
19 A I'm sorry, can you say that one more  
20 time?  
21 Q Where is the exemption written down that  
22 would allow Greek groups to limit their membership



<p style="text-align: right;">Page 142</p> <p>1 based on gender identity?</p> <p>2 A I don't recall.</p> <p>3 Q So are you -- how is that policy</p> <p>4 communicated to others in your office?</p> <p>5 A When it comes to social fraternities and</p> <p>6 sororities, we, as a university, subscribe to or</p> <p>7 follow the policies, the historical -- the</p> <p>8 historical operations of the fraternities and</p> <p>9 sororities in this country and the practices that</p> <p>10 are followed at all other higher education</p> <p>11 institutions that have social Greek organizations.</p> <p>12 So that is just something that has been a</p> <p>13 historical understanding.</p> <p>14 Again, I'm not an attorney, nor am I a</p> <p>15 student of case law, but I do know at times this</p> <p>16 has been challenged. I know that's not</p> <p>17 particularly why we're here today. But I would</p> <p>18 tell you that as a student affairs professional</p> <p>19 for more than 30 years, that has been something</p> <p>20 that has always been the accepted practice in</p> <p>21 student affairs at colleges and universities in</p> <p>22 this country.</p>	<p style="text-align: right;">Page 144</p> <p>1 industry.</p> <p>2 Q And is that true with just Greek groups</p> <p>3 or is that true with student groups more</p> <p>4 generally?</p> <p>5 A That's true with, you know, any aspects</p> <p>6 of student affairs administration, be it code of</p> <p>7 conduct, student activity, student organizations.</p> <p>8 The call that I probably won't make today at</p> <p>9 4:00 is about -- with my peers about what we're</p> <p>10 doing for COVID-19 safety.</p> <p>11 Q Actually, let me pull up the</p> <p>12 interrogatories here. Give me just a second.</p> <p>13 A Sure.</p> <p>14 Q I just added the document responses and</p> <p>15 objections -- oh, sorry. I'm looking at the wrong</p> <p>16 one. I was looking at the deposition.</p> <p>17 Defendants' answers to plaintiffs' first</p> <p>18 set of interrogatories. Have you seen this</p> <p>19 document before?</p> <p>20 A You want me to pull up the one that says</p> <p>21 defs' [sic] answers to plaintiffs' first set of</p> <p>22 interrogatories.</p>
<p style="text-align: right;">Page 143</p> <p>1 Q And when you're looking to accepted</p> <p>2 practices, it sounds like you would look to both</p> <p>3 what's historically been done at Wayne -- well,</p> <p>4 you would look to what's historically been done at</p> <p>5 Wayne State, right?</p> <p>6 A In a micro sense, yes. In a macro sense,</p> <p>7 Michigan, Michigan State, et cetera. But in a</p> <p>8 micro sense, you know, this is how we administer</p> <p>9 social Greek organizations in line with and in</p> <p>10 practice with something that's been in place for</p> <p>11 more than a century and is -- at the national</p> <p>12 level, as these are national organizations, as</p> <p>13 well as common practice at all institutions,</p> <p>14 higher education institutions that have social</p> <p>15 Greek -- not all have social Greek organizations,</p> <p>16 but those that do.</p> <p>17 Q And So when you're looking to policies,</p> <p>18 it sounds like you would also look to other</p> <p>19 universities, like Michigan, Michigan State, your</p> <p>20 prior experience at the Ohio State University?</p> <p>21 A That's correct. There's certainly a fair</p> <p>22 amount of benchmarking that occurs in the</p>	<p style="text-align: right;">Page 145</p> <p>1 Q Yes, that's right.</p> <p>2 A Okay. Cool, let me open it up here.</p> <p>3 I don't recall if I've read it word for</p> <p>4 word.</p> <p>5 Q Do you understand that this is a document</p> <p>6 that your lawyers have produced for us in this</p> <p>7 case?</p> <p>8 A Yes.</p> <p>9 Q And you understand that you have been</p> <p>10 designated by Wayne State to speak to relevant</p> <p>11 interrogatories?</p> <p>12 A Yes.</p> <p>13 Q So I'm going to the top of page 10. And</p> <p>14 this is part of the answer of interrogatory</p> <p>15 number 6.</p> <p>16 MS. WINDHAM: By the way, I'm going to</p> <p>17 ask that this be marked as Exhibit 9.</p> <p>18 (Deposition Exhibit Number 9 was marked</p> <p>19 for identification.)</p> <p>20 BY MS. WINDHAM:</p> <p>21 Q And on top of page 10, last line in that</p> <p>22 paragraph is, "Further, with regards to the</p>

<p style="text-align: right;">Page 146</p> <p>1 registration of student organizations, Wayne State</p> <p>2 defendants state that Title IX permits the</p> <p>3 organization of single-sex sororities, social</p> <p>4 fraternities and club sports teams."</p> <p>5 A I'm sorry, can I interrupt for a second.</p> <p>6 You're saying page 10?</p> <p>7 Q Yes.</p> <p>8 A Okay. Okay. Are you reading -- were you</p> <p>9 reading beginning at the top of page 10?</p> <p>10 Q It's the second sentence in that</p> <p>11 paragraph.</p> <p>12 A Beginning with "further"?</p> <p>13 Q Yes.</p> <p>14 A Okay. Thank you. Because it also states</p> <p>15 on page 22 about social Greek organizations and</p> <p>16 Title IX on page 22.</p> <p>17 Q Okay. Let's stick to page 10 for the</p> <p>18 moment. Is that statement accurate?</p> <p>19 A Yes, that is.</p> <p>20 Q And is it still true today?</p> <p>21 A Yes, it is.</p> <p>22 Q What does the university achieve by</p>	<p style="text-align: right;">Page 148</p> <p>1 A Well, it says right there, we state that</p> <p>2 Title IX permits the organizations, single-sex</p> <p>3 social sororities, social fraternities and club</p> <p>4 sports teams.</p> <p>5 So I would stand behind that -- I would</p> <p>6 stand with that statement.</p> <p>7 Q And I want to ask about club sports as</p> <p>8 well. Are club sports allowed to limit their</p> <p>9 membership according to gender identity?</p> <p>10 A Yes.</p> <p>11 Q Are they allowed to limit their</p> <p>12 membership based upon sex assigned at birth?</p> <p>13 A I can't answer that.</p> <p>14 Q You don't know?</p> <p>15 A Well, club sports is something that we</p> <p>16 require them to be a registered student</p> <p>17 organization, but they are administered by our</p> <p>18 department of athletics, so they would have more</p> <p>19 knowledge about the construct of club sports in</p> <p>20 the club sports world of higher education.</p> <p>21 So I would not -- I would stick with --</p> <p>22 you know, again, I would refer you to someone that</p>
<p style="text-align: right;">Page 147</p> <p>1 allowing that exemption to exist?</p> <p>2 MR. PAUWELS: Object to the form and</p> <p>3 foundation.</p> <p>4 You can answer.</p> <p>5 THE WITNESS: Answer?</p> <p>6 MR. PAUWELS: If you know the answer, you</p> <p>7 can answer.</p> <p>8 THE WITNESS: Well, it's subjective.</p> <p>9 It -- it allows those organizations to continue to</p> <p>10 operate as they have, in the case of Greek social</p> <p>11 organizations, for more than a hundred years. And</p> <p>12 in the case of club sports teams, permits them to</p> <p>13 compete in competitions with other teams at other</p> <p>14 universities.</p> <p>15 BY MS. WINDHAM:</p> <p>16 Q And is it your understanding that</p> <p>17 Title IX requires this exemption or just permits</p> <p>18 this exemption?</p> <p>19 A I'm not an expert on Title IX as it</p> <p>20 relates to gender identity and these activities.</p> <p>21 Q Would you be surprised if I told you it</p> <p>22 permits it, but does not require it?</p>	<p style="text-align: right;">Page 149</p> <p>1 is more well versed on club sports. They</p> <p>2 require -- club sports are required to be</p> <p>3 registered student organizations to then be a club</p> <p>4 sport. So we are going to administer them with</p> <p>5 the -- you know, as is stated here. We don't do</p> <p>6 the day-to-day. The department of athletics does.</p> <p>7 Q And -- but your office is still</p> <p>8 involved -- your office still ultimately decides</p> <p>9 whether or not they will be a registered student</p> <p>10 organization?</p> <p>11 A Correct. So we would -- what you see</p> <p>12 here is what we would -- is what we stand by.</p> <p>13 Q I'm going to add another exhibit to the</p> <p>14 folder here. And this is entitled, WSU club</p> <p>15 sports sample constitution.</p> <p>16 A Got it.</p> <p>17 Q Have you seen this document before?</p> <p>18 A No.</p> <p>19 Q Are you aware that this document appears</p> <p>20 on Wayne State's website?</p> <p>21 A I'm aware that the recreation and fitness</p> <p>22 center has a section of their website for club</p>



<p style="text-align: right;">Page 150</p> <p>1 sports.</p> <p>2 Q Did anyone in your office create this</p> <p>3 document?</p> <p>4 A I don't know.</p> <p>5 Q Was anyone in your office involved with</p> <p>6 creating or posting this document?</p> <p>7 A I don't recall.</p> <p>8 Q And article III, section B of this</p> <p>9 document says that "membership in -- enter club</p> <p>10 name -- "shall not be denied because of age,</p> <p>11 color, disability, familial status, height,</p> <p>12 national origin, race, religion, sexual</p> <p>13 orientation or weight."</p> <p>14 Is that a correct reading of the</p> <p>15 document?</p> <p>16 A It is article II, not article III.</p> <p>17 Q Thank you for the correction. With that</p> <p>18 correction, is it a correct reading of the</p> <p>19 document?</p> <p>20 A Yes. That's what I see in front of me.</p> <p>21 Q A d thi d um t -- thi</p> <p>22 non-discrimination statement does not include sex</p>	<p style="text-align: right;">Page 152</p> <p>1 approval would be denied for being inconsistent</p> <p>2 with the non-discrimination policy?</p> <p>3 A Would raise a concern to consult with</p> <p>4 general counsel before making a final decision.</p> <p>5 Q And is it your opinion that this would be</p> <p>6 inconsistent with the non-discrimination policy?</p> <p>7 A If I saw this, I would raise a concern to</p> <p>8 the office of general counsel before making my</p> <p>9 final decision.</p> <p>10 Q And you understand that you're here to</p> <p>11 testify to the university's policies today?</p> <p>12 A Yes, but I'm not responsible for club</p> <p>13 sports beyond registering them as a student</p> <p>14 organization.</p> <p>15 You'll note under section --</p> <p>16 article VIII, operating body, section A, all</p> <p>17 operations of the -- fill in the blank, enter the</p> <p>18 team name -- would be coordinated through and with</p> <p>19 the approval of the Mort Harris Recreation and</p> <p>20 Fitness Center.</p> <p>21 Q You are responsible for the registration</p> <p>22 of club sports as student organizations?</p>
<p style="text-align: right;">Page 151</p> <p>1 or gender identity, correct?</p> <p>2 A I don't see it written there.</p> <p>3 Q And so this non-discrimination -- and so</p> <p>4 this statement is not consistent with the</p> <p>5 university's non-discrimination statement?</p> <p>6 A It doesn't include what is in the -- it</p> <p>7 doesn't include what in the non- -- everything</p> <p>8 that's in the non-discrimination statement.</p> <p>9 Q If a registered student organization</p> <p>10 listed this as its membership qualifications,</p> <p>11 would you approve it or would you say that it</p> <p>12 should be disapproved because it does not comport</p> <p>13 with the university non-discrimination statement?</p> <p>14 A I would -- the university's</p> <p>15 non-discrimination policy is a policy for the</p> <p>16 entire university to abide by.</p> <p>17 Q And this statement is inconsistent with</p> <p>18 that policy?</p> <p>19 A As I read it in section B, yes. It's not</p> <p>20 under --</p> <p>21 Q So a student organization that presented</p> <p>22 this as its -- as part of its application for</p>	<p style="text-align: right;">Page 153</p> <p>1 A That is correct.</p> <p>2 Q And so if a club sport presented a</p> <p>3 constitution with this statement, they would not</p> <p>4 be registered?</p> <p>5 A It would lead to a conversation with</p> <p>6 general counsel for advice that could likely lead</p> <p>7 to a non-registration.</p> <p>8 Q Because this, as written, appears to be</p> <p>9 inconsistent with the non-discrimination</p> <p>10 statement?</p> <p>11 A It's not inclusive of the -- everything</p> <p>12 that we see in the university's non-discrimination</p> <p>13 statement.</p> <p>14 Q Why is it that club sports are permitted</p> <p>15 to limit their membership according to gender</p> <p>16 identity?</p> <p>17 A Other than what is stated in the document</p> <p>18 we looked at prior, I would refer to that.</p> <p>19 Q How long has that exemption been in</p> <p>20 place?</p> <p>21 A I don't know.</p> <p>22 Q Do you know who created that exemption?</p>

<p style="text-align: right;">Page 154</p> <p>1 A No.</p> <p>2 Q How is that exemption communicated to</p> <p>3 staff in your office?</p> <p>4 A The staff member who is responsible for</p> <p>5 registering student organizations is aware of the</p> <p>6 policy as it relates to fraternities and</p> <p>7 sororities, social fraternities and sororities,</p> <p>8 and that club sports on gender identity for the</p> <p>9 purpose that they compete, that they meet the --</p> <p>10 what requirements there are of the different</p> <p>11 leagues that they compete in external to the</p> <p>12 university.</p> <p>13 Club sports is a step below</p> <p>14 intercollegiate athletics. So they compete with</p> <p>15 local teams rather than in a conference like the</p> <p>16 Big Ten. Again, that's administered by the</p> <p>17 department of athletics. So I'm not an expert on</p> <p>18 club sports, but that's a synopsis.</p> <p>19 Q Are intramural sports different from club</p> <p>20 sports?</p> <p>21 A Yes.</p> <p>22 Q And are intramural sports teams</p>	<p style="text-align: right;">Page 156</p> <p>1 Q And if they -- they lost the ability to</p> <p>2 compete with other teams outside of Wayne State,</p> <p>3 that would impair their ability to function as</p> <p>4 club sports?</p> <p>5 A Yes, because they don't compete</p> <p>6 internally. They're established as the club team</p> <p>7 that will go compete at Oakland University or</p> <p>8 University of Michigan. There's no</p> <p>9 inter-competition. That's what intramurals are.</p> <p>10 Q And so they have to follow the policies</p> <p>11 of their league?</p> <p>12 A That is correct.</p> <p>13 Q Or their affiliated national or regional</p> <p>14 organization?</p> <p>15 A That is correct. So for example, there</p> <p>16 are -- there's a very pop- -- we don't have it,</p> <p>17 but there's a very popular football club sport</p> <p>18 movement in the country that -- they even have,</p> <p>19 you know, a national championship game in club</p> <p>20 football that gets more spectators than we get at</p> <p>21 our intercollegiate athletic football.</p> <p>22 Q May be the only one we have this year.</p>
<p style="text-align: right;">Page 155</p> <p>1 registered student organizations?</p> <p>2 A No. It's a program that's offered by the</p> <p>3 university.</p> <p>4 Q And what department is in charge of that</p> <p>5 program?</p> <p>6 A Recreation and intramural sports.</p> <p>7 Q And does your office have any involvement</p> <p>8 with that program?</p> <p>9 A No.</p> <p>10 Q And for club sports, they are part of</p> <p>11 larger regional or national organizations?</p> <p>12 A Correct.</p> <p>13 Q And it's the regional or national</p> <p>14 organizations that might have rules about men's</p> <p>15 teams versus women's teams?</p> <p>16 A For participation, correct.</p> <p>17 Q And so if club sports were required to</p> <p>18 have co-ed teams, that could be a conflict with</p> <p>19 their regional or national bodies?</p> <p>20 A Potentially. Again, I'm not -- I would</p> <p>21 say potentially, because it's not my area of</p> <p>22 knowledge base, but I would say potentially.</p>	<p style="text-align: right;">Page 157</p> <p>1 A It's -- right now -- are you in Michigan?</p> <p>2 Q No. I'm not. I'm in the D.C. area.</p> <p>3 A So in Michigan, currently, the governor's</p> <p>4 order is still in place that no indoor recreation</p> <p>5 facilities are permitted to be open. So our</p> <p>6 recreation fitness center -- I point that way</p> <p>7 because it's right across the way -- is not</p> <p>8 permitted to be open. Like, all of our YMCAs are</p> <p>9 not permitted to be open.</p> <p>10 Q I'm sure it's, as with everything,</p> <p>11 forcing a lot of changes on campus this year.</p> <p>12 A It is. It's unfortunate, but we'll get</p> <p>13 there.</p> <p>14 MS. WINDHAM: I had just a couple of more</p> <p>15 things that I want to cover, but I think at the</p> <p>16 moment, I'm going to go ahead and ask that we take</p> <p>17 a short break. Say, ten minutes. Does that work</p> <p>18 for everybody?</p> <p>19 THE WITNESS: So 2:10?</p> <p>20 MS. WINDHAM: Yes.</p> <p>21 THE WITNESS: That's great.</p> <p>22 MR. PAUWELS: Sounds good.</p>

<p style="text-align: right;">Page 158</p> <p>1 MS. WINDHAM: See you back in ten.</p> <p>2 Thanks.</p> <p>3 (Whereupon, a short recess was taken.)</p> <p>4 BY MS. WINDHAM:</p> <p>5 Q Dr. Strauss, you had mentioned earlier --</p> <p>6 I think it was the student conduct board. I'm</p> <p>7 saying the wrong name, but like student conduct</p> <p>8 processes?</p> <p>9 A It's called the student code of conduct.</p> <p>10 Q Thank you. And what is the enforcement</p> <p>11 mechanism for the student code of conduct?</p> <p>12 A Sure. So the student code of conduct is</p> <p>13 a board of governors policy. It designates that</p> <p>14 there be a student conduct officer. And the</p> <p>15 student conduct officer resides in the dean of</p> <p>16 students' office.</p> <p>17 Q And so they are respons- -- well, let me</p> <p>18 ask, who is responsible for investigating</p> <p>19 complaints of potential violations of the student</p> <p>20 code of conduct?</p> <p>21 A So if any member of the university</p> <p>22 believes a student has violated the student code</p>	<p style="text-align: right;">Page 160</p> <p>1 submitted.</p> <p>2 The student conduct officer would then</p> <p>3 contact the student or the representative of the</p> <p>4 student organization to do what's called a</p> <p>5 fact-finding meeting. And that would begin the</p> <p>6 investigation.</p> <p>7 Q And then who conducts the investigation?</p> <p>8 A The student conduct officer. So one</p> <p>9 thing just to -- for your -- just for information,</p> <p>10 the code of conduct identifies non-academic</p> <p>11 misconduct and academic misconduct. Someone is</p> <p>12 waving to me. Sorry.</p> <p>13 So there's non-academic misconduct and</p> <p>14 academic misconduct. Academic misconduct is</p> <p>15 commonly referred to as cheating and plagiarism.</p> <p>16 We do the administrative aspects of that, but the</p> <p>17 adjudication by the schools and colleges. We have</p> <p>18 13 schools and colleges within the university.</p> <p>19 So if you were a college of engineering</p> <p>20 student, it would be by the dean's office in the</p> <p>21 college of engineering.</p> <p>22 When it comes to non-academic</p>
<p style="text-align: right;">Page 159</p> <p>1 of conduct, any -- anybody. If you believe a</p> <p>2 student has violated the student code of conduct,</p> <p>3 you would submit a -- you would submit a form that</p> <p>4 says, you know, David Strauss violated section 4.6</p> <p>5 of the student code of conduct.</p> <p>6 Q And how often do you have complaints that</p> <p>7 are related to student organizations or activity</p> <p>8 of the student organizations?</p> <p>9 A Very rarely. Very rarely.</p> <p>10 Q It happens once a year or less than that?</p> <p>11 More than that?</p> <p>12 A I would say once a year, maybe twice a</p> <p>13 year. And typically, it's around, like, violating</p> <p>14 a policy of bringing food in from the outside that</p> <p>15 they're not permitted to do.</p> <p>16 Q What does the process look like after you</p> <p>17 get a complaint?</p> <p>18 A So we call it a charge. Okay. An</p> <p>19 allegation. So you have allegedly violated the --</p> <p>20 you have a student code of conduct charge for</p> <p>21 alleged violation of the student code of conduct.</p> <p>22 The form would be -- the charge would be</p>	<p style="text-align: right;">Page 161</p> <p>1 misconduct -- me and Tom get into a scrap on the</p> <p>2 basketball court; that's non-academic misconduct.</p> <p>3 That comes through my -- through our -- my office,</p> <p>4 not me, but the conduct officer on my staff.</p> <p>5 Q Do Title IX complaints go through that</p> <p>6 same process or is there a different process for</p> <p>7 Title IX?</p> <p>8 A So we have a Title IX director. And</p> <p>9 if -- any Title IX complaint would go to the</p> <p>10 Title IX director, and the Title IX director</p> <p>11 resides in the office of equal opportunity.</p> <p>12 Q And so if you got a complaint and there</p> <p>13 was relevance to Title IX, you would just transfer</p> <p>14 it over to that office?</p> <p>15 A Correct.</p> <p>16 Q And you may have said, but who is it in</p> <p>17 your office that's in charge of code of conduct --</p> <p>18 who is in charge of receiving and then looking</p> <p>19 into code of conduct violation?</p> <p>20 A Our student conduct officer. Do you need</p> <p>21 her name?</p> <p>22 Q Yes, please.</p>

<p style="text-align: right;">Page 162</p> <p>1 A Okay. I'm going to spell it because it  2 doesn't pronounce like it spells. So it's  3 N-I-K-O-L-I-N-A. And her last name is C-A-M-A-J.  4 But it's pronounced Camaj.  5 Q Camaj?  6 A Uh-huh.  7 Q Thank you.  8 A You're welcome. Nikolina -- and the  9 first name Nikolina.  10 Q Nikolina Camaj. Thank you.  11 So when you have -- well, let me go to  12 what may or may not be a different topic. When  13 you're doing student organization registration,  14 they are, of course, required to acknowledge the  15 non-discrimination statement, right?  16 A Yes. Sorry. I was nodding, I'm sorry.  17 I forget the -- you're here, I'm sorry.  18 Q No problem.  19 A You know, when you're with students, you  20 learn to just do a lot of this (nodding head).  21 Q So they have to acknowledge  22 non-discrimination statement and somebody in your</p>	<p style="text-align: right;">Page 164</p> <p>1 Q My undergrad was as well.  2 So if the student organization is  3 registered, they say they're going to follow the  4 non-discrimination statement, but then in practice  5 they violate the non-discrimination policy, how  6 would your office handle that situation?  7 A So if it was brought to our attention, we  8 would investigate, and our first call would be to  9 the office of general counsel.  10 Q And so would that go through the charge  11 and student conduct charge process that you were  12 talking about a minute ago, or is there a  13 different process for that?  14 A Potentially.  15 Q So it could go through the student  16 conduct process, but it could also go through a  17 different process in your office?  18 A Correct. Well, the process is one of  19 mediation, addressing it, speaking with the group.  20 These are college students. They're learning.  21 They're growing. You're teaching them. You have  22 discussions, explanations.</p>
<p style="text-align: right;">Page 163</p> <p>1 office reviews their application?  2 A Ricardo.  3 Q Yes. And part of his review is looking  4 for any red flags regarding [sic] to the  5 non-discrimination statement, correct?  6 A Well, several -- I mean, the whole --  7 he's reviewing the whole document. So yes.  8 Q Review for other things as well?  9 A Yes.  10 Q But the non-discrimination policy is part  11 of that?  12 A Yes.  13 Q And I know I've said non-discrimination  14 policy and non-discrimination statement. I think  15 we understand each other, when I say that, I'm  16 talking about the university's non-discrimination  17 policy that we've looked at and reviewed together.  18 A Oh, it's interchangeable, I understand  19 that, yes. It's Coke and Pepsi.  20 Q Thank you. Diet Coke in my case.  21 A I would like that, but we're a Pepsi  22 campus, so -- unfortunately...</p>	<p style="text-align: right;">Page 165</p> <p>1 We always would prefer that one learns  2 before we have to utilize the code of conduct, but  3 the code of conduct is there as an instrument if  4 we need it. And it depends. Some things are so  5 egregious that it immediately jumps to code of  6 conduct.  7 Q And you're talking about meeting with a  8 group and having a mediation. How often do you  9 have to do something like that?  10 A Not even once a year.  11 Q And that would be -- we're talking about  12 this -- well, let me ask you. You know, what  13 we're discussing, having the mediation or maybe  14 having to, you know, take action because it's  15 egregious. Are you speaking about that just in  16 regards to non-discrimination or are you speaking  17 about that with regard to rules more generally?  18 A More generally, just conflict. Conflict  19 in organizational management that would -- that  20 the -- that a student or students would bring to  21 our attention.  22 Q And -- so who in your office other than</p>

<p style="text-align: right;">Page 166</p> <p>1 your conduct officer might be involved in that?</p> <p>2 A In this particular example of student</p> <p>3 organization conflict, it would likely be Ricardo</p> <p>4 or me. Because we would try and work with the</p> <p>5 group to settle what differences occur before</p> <p>6 conduct.</p> <p>7 Q And --</p> <p>8 A I'm sorry. Go ahead. I was just</p> <p>9 saying -- and of course, if we ever have a</p> <p>10 conflict, we're consulting with general counsel.</p> <p>11 And if we believe it's something that is a breach</p> <p>12 of policy, of university policy, we're going to</p> <p>13 consult with general counsel and seek guidance on</p> <p>14 intervention.</p> <p>15 Q And if a group was determined to be</p> <p>16 breaching the policy, whether it's</p> <p>17 non-discrimination or some other policy, but</p> <p>18 they're determined to be breaching a campus</p> <p>19 policy, and mediation doesn't work, what would the</p> <p>20 next step be after that?</p> <p>21 A There is the potential to withdraw their</p> <p>22 registration as a student organization.</p>	<p style="text-align: right;">Page 168</p> <p>1 were hazing, and one was alcohol, sexual</p> <p>2 harassment.</p> <p>3 Q So pretty severe violations of the code?</p> <p>4 A Yes. Enough that they were -- that they</p> <p>5 lost their status as a registered student</p> <p>6 organization for a period of time.</p> <p>7 Q And was it your office that made the</p> <p>8 decision that they would lose that registered</p> <p>9 status?</p> <p>10 A In part. Not entirely. It really is the</p> <p>11 case -- I mean, in my head, I'm seeing four cases,</p> <p>12 but I would have to -- each case has its</p> <p>13 iniquities [sic], and I would have to explain each</p> <p>14 of those to you.</p> <p>15 Q I'll go ahead and move on from that. I</p> <p>16 just added a new document to the exhibit folder</p> <p>17 here. And this is -- it says 2018/2019 IVCF</p> <p>18 constitution. Can you see that one?</p> <p>19 A 2018/2019 IVCF constitution?</p> <p>20 Q Yes.</p> <p>21 A 000043?</p> <p>22 Q Yes. That's right.</p>
<p style="text-align: right;">Page 167</p> <p>1 Q How many times have you had to take that</p> <p>2 step?</p> <p>3 A Very, very rarely.</p> <p>4 Q Can you remember any specific instances</p> <p>5 where you've had to withdraw registration of a</p> <p>6 student organization for a conduct violation?</p> <p>7 A Yes. But that's a different question.</p> <p>8 So there's -- well, no, I'm sorry. So I don't</p> <p>9 withdraw -- conduct has a process of -- hearing</p> <p>10 panel. So there's -- you know, there's a process.</p> <p>11 They have choices.</p> <p>12 But I can tell you in my time here that</p> <p>13 loss of registration status has been a sanction</p> <p>14 against an organization as a code of conduct</p> <p>15 sanction for being found responsible for the</p> <p>16 violation.</p> <p>17 Q And how often has that kind of thing</p> <p>18 happened?</p> <p>19 A Three or four times in my 18 years.</p> <p>20 Q And what kind of violations were those</p> <p>21 that led to that kind of sanction?</p> <p>22 A Two were hazing -- no, I'm sorry. Three</p>	<p style="text-align: right;">Page 169</p> <p>1 A Yep. Here it is. Okay. Got it.</p> <p>2 Q Okay. And I am -- just make sure I've</p> <p>3 got the right page here. So if you go to page 10</p> <p>4 of that document -- it's marked on the bottom</p> <p>5 IVCF 000052. Do you see that?</p> <p>6 A I'm getting there. Yes, I'm there.</p> <p>7 Q Have you seen this document before? Do</p> <p>8 you recognize it?</p> <p>9 A I don't recall.</p> <p>10 Q Well, then, let me just ask you about one</p> <p>11 line on this document. You see there's a</p> <p>12 paragraph there that says, "Eligibility</p> <p>13 requirements or qualifications necessary to run</p> <p>14 for office."</p> <p>15 A I see that, yes.</p> <p>16 Q And then starting on the second line</p> <p>17 there, "Chapter leaders are expected to indicate</p> <p>18 their agreement with InterVarsity's doctrine and</p> <p>19 purpose statements and exemplify Christ-like</p> <p>20 character, conduct and leadership."</p> <p>21 If this is a requirement to be an</p> <p>22 officer, does that violate the non-discrimination</p>

<p style="text-align: right;">Page 170</p> <p>1 policy?</p> <p>2 A What is the date of this document that --</p> <p>3 of the action of this document?</p> <p>4 Q For a moment, without regard to date, if</p> <p>5 that -- if you receive an application with that</p> <p>6 statement, does that violate the</p> <p>7 non-discrimination policy?</p> <p>8 MR. PAUWELS: Object to the foundation.</p> <p>9 BY MS. WINDHAM:</p> <p>10 Q You can answer.</p> <p>11 A It would raise a concern for me to seek</p> <p>12 counsel from the office of general counsel.</p> <p>13 Q And you are here today designated to talk</p> <p>14 about Wayne State's policies, and that includes</p> <p>15 their non-discrimination policy, correct?</p> <p>16 A That is correct.</p> <p>17 Q And does this statement, as part of a</p> <p>18 student organization requirement, violate the</p> <p>19 non-discrimination policy?</p> <p>20 A I believe that -- it would lead me to</p> <p>21 believe that it would and, thus, before I made any</p> <p>22 definitive actions, I would seek counsel.</p>	<p style="text-align: right;">Page 172</p> <p>1 A That is difficult for me to give you an</p> <p>2 objective yes or no answer.</p> <p>3 Q I'll leave -- we can move on from that</p> <p>4 one. And then I had a couple of additional</p> <p>5 student organization applications I wanted to show</p> <p>6 you. Give me just a moment. I've got those</p> <p>7 documents. It will take me just a minute to pull</p> <p>8 those up.</p> <p>9 So before we go to those, I actually want</p> <p>10 to go back to the non-discrimination policy just</p> <p>11 for a moment. And I apologize, I'm just checking</p> <p>12 which exhibit number that is. There it is. This</p> <p>13 is WSU001371. And we've been looking at this</p> <p>14 before.</p> <p>15 A 1371. Got it.</p> <p>16 Q And this is the non-discrimination policy</p> <p>17 that we've been discussing today.</p> <p>18 A Yes.</p> <p>19 Q Does it include anything about</p> <p>20 political -- well, does it include anything about</p> <p>21 political beliefs? And I'm looking here at</p> <p>22 2.28.01.020.</p>
<p style="text-align: right;">Page 171</p> <p>1 Q And if a student organization had this</p> <p>2 policy and was able to become registered, would</p> <p>3 they potentially face code of conduct violation</p> <p>4 charges or other problems for enforcing this</p> <p>5 policy?</p> <p>6 A Potentially.</p> <p>7 Q All right. I want to ask you about just</p> <p>8 a couple of other things. We talked earlier -- we</p> <p>9 had looked at the interrogatories and we talked</p> <p>10 about the Title IX exemption and social</p> <p>11 fraternities and sororities and also club sports.</p> <p>12 Is it your understanding that social</p> <p>13 fraternities and sororities are exempt from the</p> <p>14 non-discrimination policy with regard to gender</p> <p>15 identity and only gender identity?</p> <p>16 A That is correct.</p> <p>17 Q And is it your understanding that club</p> <p>18 sports are exempt from the non-discrimination</p> <p>19 policy with regard to gender identity?</p> <p>20 A That is correct.</p> <p>21 Q Are club sports exempt from the</p> <p>22 non-discrimination policy with regard to sex?</p>	<p style="text-align: right;">Page 173</p> <p>1 A Yeah, that's where I'm reading.</p> <p>2 I do not see that specifically stated in</p> <p>3 that section.</p> <p>4 Q And does it say anything about moral or</p> <p>5 philosophical beliefs?</p> <p>6 A No, I do not see that stated in there.</p> <p>7 Q So I'm going to pull up WSU003187.</p> <p>8 A 3187?</p> <p>9 Q Yes.</p> <p>10 A Okay.</p> <p>11 Q And this is a student organization</p> <p>12 registration request. Have you seen this document</p> <p>13 before?</p> <p>14 A Not that I recall.</p> <p>15 Q So I'm just going to ask you -- I'm not</p> <p>16 going to ask you about your history or anything or</p> <p>17 knowledge of this document or this organization.</p> <p>18 I just want to ask you a question about one of the</p> <p>19 things stated here. Take me just a moment.</p> <p>20 So if you look at page 6, there's a</p> <p>21 section called, "Requirements for membership."</p> <p>22 A Okay. Yeah, I'm there.</p>



<p style="text-align: right;">Page 174</p> <p>1 Q So it says, "In order to be a member of 2 the WSU IYSSF, a student must read and agree with 3 the IYSSF statement of principles which can be 4 found here" -- and it gives a link. 5 A Uh-huh. 6 Q Does it violate the non-discrimination 7 policy if this group asks its members to agree 8 with a certain statement of principles? 9 A I'd have to read the principles. 10 Q If the principles are purely political or 11 philosophical principles, don't get into any other 12 areas, would the group violate the 13 non-discrimination policy if they asked their 14 members to agree with certain political or 15 philosophical principles? 16 A I'd have to read the specific principle. 17 Q What would -- what political or 18 philosophical principles would be a problem for 19 the non-discrimination policy? 20 MR. PAUWELS: Object to the form and 21 foundation. 22 THE WITNESS: I think that's too broad of</p>	<p style="text-align: right;">Page 176</p> <p>1 talking about there? 2 A If the principle and philosophy is stated 3 that we do not accept -- that we -- that we do not 4 accept -- you must affirm to -- you must read and 5 agree on our statement of principles which state 6 that we do not accept Jewish people in our 7 organization. 8 Q Then that would be discriminatory? 9 A Correct. 10 Q And if an organization said, we have a 11 certain policy on reproductive justice and we ask 12 that our members agree to support women's 13 reproductive rights, would that be a violation of 14 the non-discrimination policy? 15 A You used the word "we ask that they 16 support," correct? 17 Q I'll amend that. If they say, we require 18 that our members agree with and support women's 19 reproductive rights, would that be a violation of 20 the non-discrimination policy? 21 A You know, I would have to think about it. 22 I mean, requiring -- let's use that example.</p>
<p style="text-align: right;">Page 175</p> <p>1 a question. 2 BY MS. WINDHAM: 3 Q The non-discrimination policy referred to 4 a minute ago does not say anything with regard to 5 political beliefs or political party affiliation, 6 right? 7 A It does not. 8 Q And it does not say anything about 9 philosophical belief, right? 10 A It does not use the words "philosophical 11 belief." 12 Q And so if a student organization says, 13 you must agree with these certain political 14 principles to be a member of our organization, 15 would that violate the non-discrimination policy? 16 A Potentially. I'd have to read it in 17 detail and think about it. 18 Q What things would you be looking for to 19 read and make that determination? 20 A Well, are the principles or philosophies 21 discriminatory? 22 Q What sort of discrimination are you</p>	<p style="text-align: right;">Page 177</p> <p>1 Okay? Well, we'd have to think, okay, the 2 requirement of reproductive right -- requirement 3 of a particular belief on reproductive rights, is 4 that squelching one's freedom of thought because 5 they have to -- because they have to abide to 6 that? 7 Q And so if it was restricting members in 8 that way, then it would violate the 9 non-discrimination policy? 10 A If it was used as a punitive action to 11 dismiss the person from the organization. 12 Q And what about for leadership? If they 13 said, to be a leader, you have to affirm that you 14 support reproductive rights, would that violate 15 the non-discrimination policy? 16 A I believe so. 17 Q Do you know of any student organizations 18 which require their leaders to affirm certain 19 beliefs in order to become leaders? 20 A Well, when it's brought to my attention. 21 That's one of the -- that's why we're here today. 22 Q And other than InterVarsity, are you</p>

<p style="text-align: right;">Page 178</p> <p>1 aware of any student organization that required</p> <p>2 their leaders to hold or agree with certain</p> <p>3 principles?</p> <p>4 A Not to my knowledge.</p> <p>5 Q I have another document I'm going to pull</p> <p>6 up. It's WSU003946. It's at the very bottom of</p> <p>7 the folder for me.</p> <p>8 A 3946?</p> <p>9 Q Yes.</p> <p>10 A Yep. Got it.</p> <p>11 Q And let me just make sure I've got the --</p> <p>12 so I'm down on page 5 of that document. Under</p> <p>13 "requirements for membership" it says, "Membership</p> <p>14 is open to any Wayne State student who has an</p> <p>15 active interest in its activities and who are in</p> <p>16 agreement with the policies of the DESIgn</p> <p>17 movement."</p> <p>18 If this is a requirement for membership</p> <p>19 for a student organization, would that violate the</p> <p>20 non-discrimination policy?</p> <p>21 A No.</p> <p>22 Q And why not?</p>	<p style="text-align: right;">Page 180</p> <p>1 A That's correct.</p> <p>2 Q And so if the Wayne State Democrats said,</p> <p>3 you must be a registered member of the democratic</p> <p>4 party to join our organization, would that violate</p> <p>5 the non-discrimination policy?</p> <p>6 A Well, I think it's -- it's denying access</p> <p>7 of association. So there's discrimin- -- you're</p> <p>8 discriminating, but then you have a policy that is</p> <p>9 barring students because you're putting a</p> <p>10 requirement on them.</p> <p>11 Q And so that would violate the</p> <p>12 non-discrimination policy?</p> <p>13 A Well, it would be something that is</p> <p>14 not -- is not -- it's not -- you can't prohibit</p> <p>15 someone -- you can't require that of an</p> <p>16 individual. If someone wants to be in that</p> <p>17 organization but is not affiliated with that</p> <p>18 party, you can't require that. Political</p> <p>19 affiliation is not in the non-discrimination</p> <p>20 policy.</p> <p>21 Q So is there another policy that would bar</p> <p>22 that requirement?</p>
<p style="text-align: right;">Page 179</p> <p>1 A "Membership is open to any Wayne State</p> <p>2 student who has an active interest in its</p> <p>3 activities" -- okay, they're interested in the</p> <p>4 activities -- "and who are in agreement with the</p> <p>5 policies of DESIgn movement."</p> <p>6 Well, I'd have to look further as to what</p> <p>7 are the policy of DESIgn movement, and they're</p> <p>8 talking about the policies of DESIgn movement.</p> <p>9 We're talking about the beliefs, the philosophies.</p> <p>10 We're addressing -- they're talking about</p> <p>11 policies. And so those are the, you know,</p> <p>12 memorandum of operations, quote/unquote, of the</p> <p>13 organization.</p> <p>14 So on the surface level of what I'm</p> <p>15 reading here, that would be my stand. Of course,</p> <p>16 I would do my -- I would need to have further</p> <p>17 consideration, but in the -- for the sake of this</p> <p>18 afternoon, that would be my -- that would be my</p> <p>19 response.</p> <p>20 Q You said before that the</p> <p>21 non-discrimination policy does not say anything</p> <p>22 about political affiliation, correct?</p>	<p style="text-align: right;">Page 181</p> <p>1 A Well, there's a part of a clause in there</p> <p>2 about operations of extracurricular activities,</p> <p>3 but I would not be able to, at this present time,</p> <p>4 present to you right then and there that specific</p> <p>5 policy.</p> <p>6 Q But it would not be the</p> <p>7 non-discrimination policy that they were</p> <p>8 violating?</p> <p>9 A I would want to take another -- I would</p> <p>10 take another read more carefully and more closely</p> <p>11 at the non-discrimination policy. And then if I</p> <p>12 believed that there was a concern, I would raise a</p> <p>13 red flag. It would be enough of a concern for me</p> <p>14 to investigate further before making a final</p> <p>15 decision.</p> <p>16 Q And what would you need to investigate or</p> <p>17 find out to make your final decision?</p> <p>18 A So are we -- are we barring -- are we</p> <p>19 requiring a student to do something specific to be</p> <p>20 in that organization?</p> <p>21 Q And is that with regard to the</p> <p>22 non-discrimination policy or with regard to some</p>

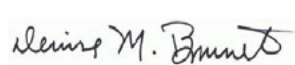
<p style="text-align: right;">Page 182</p> <p>1 other policy of your office?</p> <p>2 A It's something I'd have to look into</p> <p>3 further.</p> <p>4 MS. WINDHAM: I have a couple more</p> <p>5 things, but I think I want to actually take a</p> <p>6 break here. I think -- you'll be glad to know</p> <p>7 we're pretty close to wrapping up, but I want to</p> <p>8 propose about a 15-minute break just to look over</p> <p>9 a couple more things, and then we can come back</p> <p>10 and wrap up. Does that work for everyone?</p> <p>11 THE WITNESS: Sure.</p> <p>12 MS. WINDHAM: Great. So we'll be back at</p> <p>13 3:05.</p> <p>14 (Whereupon, a short recess was taken.)</p> <p>15 BY MS. WINDHAM:</p> <p>16 Q Just a few minutes to wrap up a couple of</p> <p>17 things I missed earlier. I know we've done a lot</p> <p>18 of discovery and document discovery in these</p> <p>19 cases. Dr. Strauss, I just wanted to ask you</p> <p>20 whether, part of that process, you searched your</p> <p>21 computer and e-mail for relevant documents?</p> <p>22 A The only thing that I looked up was to</p>	<p style="text-align: right;">Page 184</p> <p>1 A I haven't.</p> <p>2 Q And has anybody in your office searched</p> <p>3 your e-mail at your request?</p> <p>4 A No.</p> <p>5 Q What about --</p> <p>6 A I mean, I've not told anybody, here's my</p> <p>7 access ID and password; go check my e-mail.</p> <p>8 Q What about computer files that you may</p> <p>9 have? Have you searched those or has anybody else</p> <p>10 searched those for relevant documents?</p> <p>11 A No.</p> <p>12 Q What about --</p> <p>13 A Not that I'm aware. I mean, you're</p> <p>14 finding documents from -- you know, you were</p> <p>15 showing us documents from 2016. Somehow you</p> <p>16 received those. But I didn't -- I don't remember</p> <p>17 packaging them up and sending them to anybody.</p> <p>18 Q Have you or do you know if anybody in</p> <p>19 your office has searched other communications,</p> <p>20 like Teams threads or Slack threads or anything</p> <p>21 like that?</p> <p>22 A Not to my knowledge.</p>
<p style="text-align: right;">Page 183</p> <p>1 read our student code of conduct.</p> <p>2 Q And that was for preparing for deposition</p> <p>3 today or -- I'm talking about the document</p> <p>4 requests that we've done generally over the last</p> <p>5 several months.</p> <p>6 A I don't -- you see my facial movement. I</p> <p>7 don't understand what you're asking.</p> <p>8 Q Sure. So -- go ahead.</p> <p>9 A You know, fortunately, I don't spend</p> <p>10 day-to-day in deposition, so you need to give me a</p> <p>11 little more of an elementary explanation of the --</p> <p>12 elementary presentation of the question.</p> <p>13 Q Sorry about that. So over the last</p> <p>14 several months, since November, we have sent your</p> <p>15 lawyers a bunch of requests for different</p> <p>16 documents or information that you have relevant to</p> <p>17 this case and InterVarsity and relevant to student</p> <p>18 organizations generally and your policies.</p> <p>19 And as part of responding to those</p> <p>20 requests, have you searched through your e-mail or</p> <p>21 has someone at your request searched through your</p> <p>22 e-mail to find any relevant documents?</p>	<p style="text-align: right;">Page 185</p> <p>1 Q What about communications on OrgSync or</p> <p>2 Engage?</p> <p>3 A I mean, I was aware that there was a</p> <p>4 request made for material from Engage, but there</p> <p>5 was nothing that I looked at, read, accessed,</p> <p>6 pulled down from the system -- you know what I</p> <p>7 mean -- like downloaded it from the system.</p> <p>8 Nothing like that, no.</p> <p>9 But I know that there were some times</p> <p>10 where -- I think I recall, like, you know, had to</p> <p>11 go into some back files with Campus Labs for</p> <p>12 OrgSync files, Campus Labs being the parent</p> <p>13 company, but nobody -- nothing that I've read,</p> <p>14 done, told.</p> <p>15 I don't do anything unless the lawyers</p> <p>16 tell me to do it.</p> <p>17 Q A good policy.</p> <p>18 A I will tell you -- can I tell you a</p> <p>19 fun -- best thing is when we have a student-- a</p> <p>20 student will say, I wasn't cheating. So if they</p> <p>21 call us -- you know, they'll get accused of</p> <p>22 cheating and they'll call me because they think</p>

<p style="text-align: right;">Page 186</p> <p>1 the dean of students is the magic person behind 2 the curtain. 3 Well, I'm going to have my lawyer call 4 you. I'm, like, awesome. I'm out. You can deal 5 with our lawyers. You just saved me some time. 6 So I'm, like, you're Kristen's (phonetic) problem 7 now, because Kristen is our liaison. 8 So we always laugh here when -- because 9 when a person says, I'm going to call my lawyer, 10 for us, that's the magic word to stop. So I don't 11 do anything unless Tom tells me to. 12 Q Fair enough. We also talked a little bit 13 about when -- back in 2017, 2018, when you were 14 looking at the issue with InterVarsity and they 15 were not registered, then you made the decision to 16 go ahead and register them -- in that process, did 17 you consult or consider policies from other 18 universities, like, Michigan or Michigan State or 19 Ohio State? 20 A You know, I do recall doing some web 21 surfing, but not in my decision-making. Just for 22 my own edification.</p>	<p style="text-align: right;">Page 188</p> <p>1 certain goals that they have, working with labor 2 campaigns to organize student workers or staff, 3 defend immigrants through campaigns for sanctuary 4 campuses, divest our schools from fossil fuels, do 5 anti-poverty work through local mutual aid 6 programs in our communities. 7 If they ask that -- I won't say ask. If 8 they require their leaders to agree with those 9 goals, is that a violation of the 10 non-discrimination policy? 11 MR. PAUWELS: Object to the form. 12 THE WITNESS: As it's presented here, no. 13 BY MS. WINDHAM: 14 Q And if they had a leader who changed her 15 mind and said, you know what, I'm no longer in 16 favor of organizing student workers, I don't think 17 that's the right way to go, and they said, okay, 18 we're going to remove this leader, would that be a 19 violation of the non-discrimination policy? 20 MR. PAUWELS: Object to the form and 21 foundation. 22 THE WITNESS: I think, in that case, it's</p>
<p style="text-align: right;">Page 187</p> <p>1 Q Do you recall what other universities or 2 policies you would have looked at, then? 3 A I don't. 4 Q And did that factor into your decisions 5 with regard to InterVarsity? 6 A No. 7 Q We talked a little bit ago about a couple 8 of -- we were looking at that spreadsheet and we 9 talked about a couple of student organizations and 10 there was the Newman Center who had a requirement 11 for leaders to be Catholic. There was an Iraqi 12 student organization that asked -- I forget if it 13 was members or leaders, but one, to be Iraqi. And 14 you had indicated that those were not problematic, 15 right? 16 A Correct. 17 Q And just looking at another student 18 organization -- this is actually another one I 19 mentioned a little bit earlier. There it is. We 20 mentioned Wayne State University Young Democratic 21 Socialists of America. They're currently on your 22 site as a registered organization. And they have</p>	<p style="text-align: right;">Page 189</p> <p>1 not an issue of discrimination; it's an issue of 2 association. And it's an issue of our 3 organization and mission of our university as a 4 place of thinking and thought. And it would fall 5 to, are they -- are they prohibiting one's freedom 6 of thought? 7 When you look at the discrimination 8 policy, it's protected classes, for lack of a 9 better phrase. In this case, they're allegedly 10 dismissing this individual based on their thought, 11 on their political thought. 12 Well, that is -- again, I'm not a 13 constitutional law expert, but I think you have to 14 look at the foundation of our university and the 15 foundation of education and the academy. So 16 that's where there would be a challenge to decide 17 if what they were doing was not acceptable and, 18 thus, would be a code of conduct -- possible code 19 of conduct violation based on what the code of 20 conduct states about expectations of rights and 21 responsibilities for students or that students 22 must follow.</p>

<p style="text-align: right;">Page 190</p> <p>1 BY MS. WINDHAM:</p> <p>2 Q And so -- are you aware -- has a student</p> <p>3 group ever been penalized for refusing to accept a</p> <p>4 member or leader based upon their freedom of</p> <p>5 thought or philosophical and political beliefs?</p> <p>6 A I don't recall that coming -- that</p> <p>7 particular example coming through the student code</p> <p>8 of conduct.</p> <p>9 Q Are you aware of -- and I'll leave aside</p> <p>10 InterVarsity and whether or not they fall into</p> <p>11 that category for the moment. Are you aware of</p> <p>12 any student organization that was declined</p> <p>13 registration, couldn't get registered status,</p> <p>14 because they limited membership or leadership</p> <p>15 based on political beliefs or freedom of thought?</p> <p>16 A Again, I don't recall.</p> <p>17 Q So you're not aware of any?</p> <p>18 A I don't recall any at this moment.</p> <p>19 Q Does your office have any involvement</p> <p>20 with student scholarships?</p> <p>21 A No.</p> <p>22 Q Are you aware of whether the university</p>	<p style="text-align: right;">Page 192</p> <p>1 that goal and support that goal?</p> <p>2 A Not necessarily. Sometimes the best</p> <p>3 point is a counterpoint.</p> <p>4 Q What about their leaders? Will they be</p> <p>5 more effective if their leaders agree with and</p> <p>6 support that goal?</p> <p>7 A Not necessarily. Sometimes having a</p> <p>8 plant in the room to provoke the leaders leads to</p> <p>9 the conclusion they want to achieve, of any group.</p> <p>10 That's why you always plant a question in a town</p> <p>11 hall. I don't, but others may.</p> <p>12 Q And you've mentioned before, you know,</p> <p>13 freedom of thought in your goals for the</p> <p>14 university, and freedom of association. Is it</p> <p>15 part of your role to support freedom of</p> <p>16 association at Wayne State?</p> <p>17 A We're a public institution. I'm a public</p> <p>18 employee.</p> <p>19 Q So is that a yes?</p> <p>20 A Yes.</p> <p>21 Q And is it part of your role to defend</p> <p>22 free speech rights for students at your</p>
<p style="text-align: right;">Page 191</p> <p>1 employs any preferences or restrictions with</p> <p>2 regard to giving student scholarships?</p> <p>3 A I'm not aware. Totally out of my area.</p> <p>4 Q If an organization has goals, you know --</p> <p>5 I'll stick to the Young Democratic Socialists just</p> <p>6 because I have their page up. If they have a goal</p> <p>7 of defending immigrants through campaigns for</p> <p>8 sanctuary campuses, will they be more effective at</p> <p>9 that goal if their members agree with that goal?</p> <p>10 MR. PAUWELS: Object to the form and</p> <p>11 foundation.</p> <p>12 THE WITNESS: That's a very subjective</p> <p>13 question and would lead to a very subjective</p> <p>14 answer. Ask ten people's opinions; you'll get 15</p> <p>15 opinions.</p> <p>16 BY MS. WINDHAM:</p> <p>17 Q What's your best subjective answer?</p> <p>18 A Can you repeat the subjective question?</p> <p>19 Q If you -- the Young Democratic Socialists</p> <p>20 have a goal of defending immigrants through</p> <p>21 campaigns for sanctuary campuses, are they going</p> <p>22 to be more effective if their members agree with</p>	<p style="text-align: right;">Page 193</p> <p>1 university?</p> <p>2 A It is my role to support free speech.</p> <p>3 Q That's fair. I'm a lawyer, so I'm</p> <p>4 lapsing back into legal language.</p> <p>5 What about freedom of expression? Is it</p> <p>6 your role to support freedom of expression at the</p> <p>7 university?</p> <p>8 A Yes.</p> <p>9 Q And your role to support freedom of</p> <p>10 religious exercise at the university?</p> <p>11 A Yes. People are entitled to religious --</p> <p>12 to the freedom of religious thought. I'm not --</p> <p>13 again, I'm not a lawyer. I'm not a historian.</p> <p>14 But certainly, you know, people have that right.</p> <p>15 Where I have to come into play</p> <p>16 oftentimes -- not oftentimes. But where I would</p> <p>17 come into play if there's a -- if what is being</p> <p>18 done leads to behavioral disruption that threatens</p> <p>19 the safety of others, like a protest, if it gets</p> <p>20 out of hand. They don't, but if they did.</p> <p>21 Q Have you had to take any training with</p> <p>22 regard to student free association or free speech</p>

<p style="text-align: right;">Page 194</p> <p>1 or free exercise issues?</p> <p>2 A Not other than, you know, participating</p> <p>3 in webinars and sessions at conferences presented</p> <p>4 by my professional association, but nothing that</p> <p>5 is a certification training per se.</p> <p>6 Q But that is a topic that you've had</p> <p>7 training on as part of your normal -- part of your</p> <p>8 normal duties; you would go to -- that you would</p> <p>9 do -- sorry. That was a long and poor question.</p> <p>10 Let me --</p> <p>11 A No, I get it. It's professional</p> <p>12 development. So training is more of an</p> <p>13 educational procedure. One is trained to be an</p> <p>14 emergency medical technician. Professional</p> <p>15 development is learning to best assist you in your</p> <p>16 job of working with students.</p> <p>17 So I do partake in that primarily through</p> <p>18 my -- the professional association that I'm a</p> <p>19 member of. And there are many, many student</p> <p>20 affairs professional associations, depending on</p> <p>21 what your role in student affairs is. And so I</p> <p>22 encourage my staff to take advantage of those</p>	<p style="text-align: right;">Page 196</p> <p>1 Q I just have a handful of questions for</p> <p>2 you. So if you recall, we were -- you were</p> <p>3 discussing club sports --</p> <p>4 A Yes.</p> <p>5 Q -- with Ms. Windham. Do you remember</p> <p>6 that? Do you recall that conversation?</p> <p>7 A I do. Yes, I do.</p> <p>8 Q And you stated that, consistent with the</p> <p>9 interrogatory response that you were shown as an</p> <p>10 exhibit, club sports are permitted to limit</p> <p>11 membership and leadership based on gender</p> <p>12 identity; is that correct?</p> <p>13 A That is correct.</p> <p>14 Q And you were shown a document that was</p> <p>15 called club sports sample constitution. Do you</p> <p>16 recall that?</p> <p>17 A I do.</p> <p>18 Q Do you mind pulling that document back up</p> <p>19 on your screen for me.</p> <p>20 A I have to remember which number it was.</p> <p>21 There it is. Okay.</p> <p>22 Okay. I have it up on the screen.</p>
<p style="text-align: right;">Page 195</p> <p>1 resources. So, yes. To that end, sure.</p> <p>2 So you know, free speech, you know, free</p> <p>3 speech zones. Especially right now with -- racial</p> <p>4 unrest has been a hot topic, among my association,</p> <p>5 NASPA, National Association of Student Personnel</p> <p>6 Administrators. So it -- kind of give you that</p> <p>7 short -- short description.</p> <p>8 And you know, regular reading -- the</p> <p>9 Chronicle of Higher Education is our newsletter,</p> <p>10 Inside Higher Ed, things like that, a lot of</p> <p>11 reading. Just like you get law journals, you</p> <p>12 know, we get higher ed journals.</p> <p>13 Q Yes. More than I like at some times.</p> <p>14 A Ditto.</p> <p>15 MS. WINDHAM: So I don't have any further</p> <p>16 questions.</p> <p>17 MR. PAUWELS: Do you mind if we take ten</p> <p>18 minutes just to let me collect my thoughts and</p> <p>19 then we'll come back on the record?</p> <p>20 (Whereupon, a short recess was taken.)</p> <p>21 EXAMINATION BY COUNSEL FOR DEFENDANTS</p> <p>22 BY MR. PAUWELS:</p>	<p style="text-align: right;">Page 197</p> <p>1 Q Okay. I'm going to direct you again to</p> <p>2 article II, section B, the membership</p> <p>3 qualifications. And it states, "Membership in --</p> <p>4 enter club name -- "shall not be denied because of</p> <p>5 age, color, disability, familial status, height,</p> <p>6 national origin, race, religion, sexual</p> <p>7 orientation or weight."</p> <p>8 Do you see that?</p> <p>9 A Yes, I do.</p> <p>10 Q And I believe you testified earlier that</p> <p>11 to the extent this does not list sex or gender</p> <p>12 identity, it would be generally inconsistent with</p> <p>13 the non-discrimination policy; is that correct?</p> <p>14 A Yes.</p> <p>15 Q But it would be consistent with the</p> <p>16 policy of Wayne State, as stated in the</p> <p>17 interrogatory, to permit club sports to limit</p> <p>18 their membership and leadership?</p> <p>19 A Yes. Yes. For their -- yes, for their</p> <p>20 operations.</p> <p>21 Q And if your office saw an application for</p> <p>22 registered student organization status for a club</p>



<p style="text-align: right;">Page 198</p> <p>1 sport, say, the men's club basketball team, that  2 included this membership language, would they be  3 registered?  4 A Yes, because it would be the men's club  5 basketball. It would be a club sport.  6 Q But if it was a non-club sport registered  7 student organization that stated its membership  8 qualifications in this way, it would be rejected?  9 A That's correct. It would be denied --  10 Q I should say excluding Greek life, social  11 fraternities and sororities, based on the same  12 permitted limitations that you testified to  13 earlier?  14 A Yes. That's correct.  15 MR. PAUWELS: I have nothing further.  16 MS. WINDHAM: Nothing further for me.  17 (Whereupon, at 3:46 p m., the remote  18 deposition of DAVID J. STRAUSS was concluded.)  19  20  21  22</p>	<p style="text-align: right;">Page 200</p> <p>1 Andrew M. Pauwels, Esquire  2 apauwels@honigman.com  3 August 26, 2020  4 RE: IVCF v. Wayne State University  5 8/13/2020, David Strauss (#4216085)  6 The above-referenced transcript is available for  7 review.  8 Within the applicable timeframe, the witness should  9 read the testimony to verify its accuracy. If there are  10 any changes, the witness should note those with the  11 reason, on the attached Errata Sheet.  12 The witness should sign the Acknowledgment of  13 Deponent and Errata and return to the deposing attorney.  14 Copies should be sent to all counsel, and to Veritext at  15 cs-midatlantic@veritext.com  16  17 Return completed errata within 30 days from  18 receipt of testimony.  19 If the witness fails to do so within the time  20 allotted, the transcript may be used as if signed.  21  22 Yours,  23 Veritext Legal Solutions  24  25</p>
<p style="text-align: right;">Page 199</p> <p>1 CERTIFICATE OF NOTARY PUBLIC  2 I, Denise M. Brunet, the officer before  3 whom the foregoing deposition was taken, do hereby  4 certify that the witness whose testimony appears  5 in the foregoing deposition was sworn by me; that  6 the testimony of said witness was taken by me  7 stenographically and thereafter reduced to print  8 by means of computer-assisted transcription by me  9 to the best of my ability; that I am neither  10 counsel for, related to, nor employed by any of  11 the parties to this litigation and have no  12 interest, financial or otherwise, in the outcome  13 of this matter.  14  15   16 _____  17 Denise M. Brunet  18 Notary Public in and for  19 The District of Columbia  20 My commission expires:  21 December 14, 2022  22</p>	<p style="text-align: right;">Page 201</p> <p>1 IVCF v. Wayne State University  2 David Strauss (#4216085)  3 E R R A T A S H E E T  4 PAGE____ LINE____ CHANGE_____  5 _____  6 REASON_____  7 PAGE____ LINE____ CHANGE_____  8 _____  9 REASON_____  10 PAGE____ LINE____ CHANGE_____  11 _____  12 REASON_____  13 PAGE____ LINE____ CHANGE_____  14 _____  15 REASON_____  16 PAGE____ LINE____ CHANGE_____  17 _____  18 REASON_____  19 PAGE____ LINE____ CHANGE_____  20 _____  21 REASON_____  22 _____  23 _____  24 David Strauss Date  25</p>

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1 IVCF v. Wayne State University

2 David Strauss (#4216085)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, David Strauss, do hereby declare that I

5 have read the foregoing transcript, I have made any

6 corrections, additions, or changes I deemed necessary as

7 noted above to be appended hereto, and that the same is

8 a true, correct and complete transcript of the testimony

9 given by me.

10

11 \_\_\_\_\_

12 David Strauss Date

13 \*If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.



VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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IVCF v. Wayne State University

David Strauss (#4216085)

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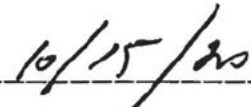
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David Strauss



Date

1 IVCF v. Wayne State University

2 David Strauss (#4216085)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, David Strauss, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

10   
11 \_\_\_\_\_

12 David Strauss

10/15/20  
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Date

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